

LOS ANGELES COUNTY DEPARTMENT OF REGIONAL PLANNING

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June 24, 2025

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**HEARING ON THE SANTA MONICA MOUNTAINS COASTAL ZONE
DISASTER RECOVERY ORDINANCE
PROJECT NO. PRJ2025-000134-(3)
ADVANCE PLANNING CASE NO. RPPL2025000161
(THIRD SUPERVISORIAL DISTRICT) (3-VOTES)**

SUBJECT

The recommended actions are to find the Santa Monica Mountains Coastal Zone Disaster Recovery Ordinance ("Project"), amending the Santa Monica Mountains Local Implementation Program ("LIP") within Title 22 (Planning and Zoning) of the Los Angeles County Code to facilitate disaster recovery in the Santa Monica Mountains Coastal Zone, exempt under the California Environmental Quality Act ("CEQA") and to approve the Project.

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

1. Find that the Project is exempt from CEQA pursuant to state and local CEQA guidelines;
2. Indicate its intent to approve the Project as recommended by the Regional Planning Commission ("RPC") on February 26, 2025, and additional Department recommendations;
3. Instruct County Counsel to prepare the necessary documents amending Title 22 (Planning and Zoning) of the County Code, and to submit the final documents to the Board for its consideration; and

4. Upon adoption, instruct Regional Planning to submit the Project to the California Coastal Commission for its consideration.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On January 14, 2025, the Board of Supervisors (“Board”) instructed the Director of Regional Planning to prepare and submit amendments to the Santa Monica Mountains Local Coastal Program to the Coastal Commission to add regulations allowing temporary housing, as defined by the County Disaster Recovery Ordinance, and other minor modifications that do not impact coastal resources, on a parcel where a legally-established single-family residence or legally-established employee housing in the Coastal Zone were irreparably damaged or destroyed by the Palisades Fire.

Since the issuance of the Board’s January 14, 2025 motion, the Governor of the State of California (“Governor”) issued four Executive Orders, N-4-25, N-9-25, N-14-25, and N-20-25, which streamline the permitting processes under CEQA and the California Coastal Act for rebuilding properties and facilities destroyed by disaster and that suspend any rules precluding the placement of temporary housing on a private lot during reconstruction of a home destroyed by the Palisades Fire. The Project amends the Santa Monica Mountains Local Implementation Program to expand the current rebuild provisions by adding ancillary rebuild and temporary housing provisions. These provisions are consistent with, and supportive of, the Governor’s Executive Orders and ensure that streamlined rebuilding and temporary housing processes are in place for future disasters in the Santa Monica Mountains Coastal Zone.

Key Components

Several ancillary provisions address rebuilding after a disaster, while maintaining protections for coastal resources and consistency with the Coastal Act:

New Rebuild Activities Subject to Coastal Development Permit (“CDP”) Exemption

The Project proposes that on-site wastewater treatment systems (“OWTS”) and water tanks that are damaged or destroyed by a disaster and replaced at the previous capacity (+ 10% to meet code standards) be subject to the CDP Exemption.

Emergency CDP for Temporary Housing

The Project proposes that temporary housing be subject to an Emergency CDP and may be authorized in conjunction with the loss of a residential structure due to a disaster. Temporary housing would be authorized for two years from the initial date of the disaster and would be eligible for up to three one-year extensions, for a maximum of five years.

New Permit Type: *De Minimis* Waiver

The Project proposes the *De Minimis* Waiver of a CDP as a new permit type. A new filing fee would be implemented for the waiver, equivalent to the CDP Exemption. The waiver may be

issued by the Director for minor improvements that are not otherwise exempt from the LIP. Projects eligible for the waiver include specific activities associated with disaster rebuilds that are small in scope and have minimal impacts to coastal resources. The waiver must be processed concurrently with a CDP Exemption application for a disaster rebuild. Findings must be made that the project meets the waiver requirements, and the waiver is not effective until it is reported to the Commission. If the Commission requests that the waiver not be effective, then the applicant must obtain a CDP for the proposed work.

Subsequent to the RPC hearing, the Auditor-Controller's final fee analysis and cost recovery protocol resulted in a six dollar increase to the fee amount that was approved by the RPC. Therefore, instead of the \$1,623 that was recommended for approval by the RPC, the Department recommends a filing fee of \$1,629 for the *De Minimis* Waiver, as directed by the Auditor-Controller.

Activities Subject to *De Minimis* Waiver

The Project proposes that the rebuild activities subject to *De Minimis* Waiver include OWTS and water tanks that are new or beyond +10% rebuild allowance, the relocation of structures due to debris flow, minor driveway or access road improvements to meet the Fire Code, and exploratory testing for water well or OWTS relocation.

Implementation of Strategic Plan Goals

The Project supports the County's Strategic Plan North Star 2: Foster Vibrant and Resilient Communities, and Focus Area Goals 2.A Public Health, 2.E Economic Health, and 2.F Community Connections by supporting the recovery of Coastal Zone homes, businesses, and communities after disasters.

FISCAL IMPACT/FINANCING

Adoption of the Project will not result in any significant new costs to the Department of Regional Planning or other County departments and agencies. The project includes a new filing fee type for the proposed De Minimis Waiver, which will cover County staff costs for permit processing.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

In addition to the public hearing conducted by the RPC on February 26, 2025, a public hearing before the Board is required pursuant to Section 22.232.040.B.1 of the County Code and Section 65856 of the California Government Code. Required notice (Attachment 6) has been given pursuant to the procedures and requirements set forth in Section 22.222.120 of the County Code.

In addition to the public hearing conducted by the Board, the Project is subject to public hearing by the California Coastal Commission pursuant to Section 22.44.700 of the County Code to amend the Santa Monica Mountains Local Coastal Program. The Project must be submitted pursuant to the requirements of Title 14, section 13551 et seq. of the California Code of

Regulations and effectively certified by the Coastal Commission pursuant to Chapter 6, Article 2, of the California Coastal Act.

ENVIRONMENTAL DOCUMENTATION

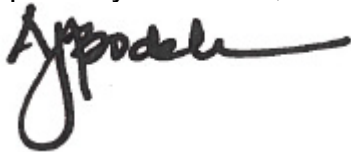
This Project is exempt pursuant to CEQA Guidelines Sections 15265, 15269, and Public Resources Code Sections 21080(b)(3). The Project is statutorily exempt from CEQA requirements as CEQA does not apply to activities and approvals pursuant to the California Coastal Act for any local government necessary for the preparation and adoption of a local coastal program; projects where CEQA compliance is shifted from the local agency to the California Coastal Commission for local coastal programs; and emergency projects to maintain, repair, restore, demolish or replace property damaged or destroyed as a result of a disaster and specific actions necessary to mitigate an emergency are exempt.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the Project will not significantly impact County services.

For further information, please contact Cameron Robertson of the Environmental Planning and Sustainability Section at (213) 974-6461 or crobertson@planning.lacounty.gov.

Respectfully submitted,



AMY J. BODEK, AICP
Director of Regional Planning

AJB:DS:CC:ER:TH:CR:ia

Attachments:

1. Project Summary
2. Ordinance
3. Environmental Determination
4. Regional Planning Commission Hearing Proceedings
5. Regional Planning Commission Resolution
6. Hearing Notice

c: Executive Office, Board of Supervisors
Auditor-Controller
Chief Executive Office
County Counsel
Public Works

**ATTACHMENT 1
PROJECT SUMMARY**

**COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING**

PROJECT SUMMARY

PROJECT DESCRIPTION:	The Project amends the Santa Monica Mountains Local Implementation Program (“LIP”) within Title 22 (Planning and Zoning) of the Los Angeles County Code to facilitate disaster recovery in the Santa Monica Mountains Coastal Zone. This ordinance includes provisions from the countywide Disaster Recovery Ordinance for temporary housing and the reconstruction of utilities and access for properties that suffered irreparable damage or destruction as a result of disasters such as wildfire. This project meets the January 14, 2025 directive from the Board of Supervisors.
REQUEST:	Approval and adoption of the Santa Monica Mountains Local Implementation Program update within Title 22 of the Los Angeles County Code.
LOCATION:	Santa Monica Mountains Coastal Zone
STAFF CONTACT:	Mr. Cameron Robertson at (213) 974-6461
RPC HEARING DATE(S):	February 26, 2025
RPC RECOMMENDATION:	Approval and recommendation to the Board to consider adoption of the Santa Monica Mountains Local Implementation Program update within Title 22 of the Los Angeles County Code.
MEMBERS VOTING AYE:	Commissioners Duarte-White, Louie, O’Conner, Moon, and Hastings
MEMBERS VOTING NAY:	None

ATTACHMENT 1 PROJECT SUMMARY

MEMBERS ABSENT: None

MEMBERS ABSTAINING: None

KEY ISSUES:

This Project amends the Santa Monica Mountains Local Implementation Program (“LIP”) within Title 22 (Planning and Zoning) of the Los Angeles County Code to facilitate disaster recovery in the Santa Monica Mountains Coastal Zone. The current LIP includes limited rebuild provisions but does not address other disaster recovery needs such as temporary housing. To support recovery of Coastal Zone communities during the Palisades Fire disaster, as well as for future disasters, the Project amends the LIP to incorporate ancillary rebuild provisions from the countywide Disaster Recovery Ordinance for temporary housing and the reconstruction of utilities and access damaged or destroyed by disaster.

This action will require approval from the California Coastal Commission.

MAJOR POINTS FOR:

The Project fulfills the Board’s January 14, 2025 directive to Regional Planning.

The Project authorizes temporary housing for properties that suffered irreparable damage or destruction as a result of disasters such as wildfire.

The Project authorizes temporary housing under an Emergency Coastal Development Permit, which has no fee.

The Project streamlines permitting procedures for rebuilding destroyed ancillary utilities such as water tanks and on-site wastewater treatment systems.

The Project implements a new permit type, De Minimis Waiver of Coastal Development Permit, for projects that are damaged or destroyed as a result of disaster but that are not otherwise exempt from the LIP per the Coastal Act.

ATTACHMENT 1 PROJECT SUMMARY

The new De Minimis Waiver of Coastal Development Permit has an associated fee equivalent to the Coastal Development Permit Exemption.

The Project streamlines permitting procedures for relocating structures on sites impacted by debris flow.

The Project streamlines permitting procedures for minor driveway or access road improvements to meet Fire code.

The Project is consistent with, and supportive of, the Governor's Executive Orders for rebuilding and recovery efforts.

These Project supports the current LIP exemptions for rebuilding after a disaster.

The Project establishes streamlined processes for rebuilding and recovery from future disasters in the Santa Monica Mountains Coastal Zone.

MAJOR POINTS AGAINST:

The Project applies only to projects associated with disaster rebuild or recovery.

The Project applies only to rebuilds on a disaster-impacted site, but not to off-site rebuilds such as driveways or access roads that are located on an easement.

The new De Minimis Waiver of Coastal Development Permit has an associated fee that may be charged in tandem with other disaster rebuilding fees.

**SANTA MONICA MOUNTAINS COASTAL ZONE DISASTER
RECOVERY ORDINANCE**

ORDINANCE NO. _____

An ordinance amending Title 22 (Planning and Zoning) to facilitate disaster recovery in the Santa Monica Mountains Coastal Zone of Unincorporated Los Angeles County. This ordinance amends the Santa Monica Mountains Local Implementation Program to include provisions for temporary housing and the reconstruction of homes, utilities, and access for properties that suffered irreparable damage or destruction as a result of disasters such as wildfire.

The Board of Supervisors of the County of Los Angeles ordains as follows:

Section 1. Section 22.44.820 is hereby amended to read as follows:

22.44.820 - Exemptions, ~~and~~ Categorical Exclusions, and Waivers.

A. Exemptions: The provisions of this LIP shall not apply to:

...

~~5. The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements; shall be for the same use as the destroyed structure, shall not exceed either the floor area, height or bulk of the destroyed structure by more than 10 percent; and shall be sited in the same location on the affected property as the destroyed structure. In addition to these requirements, a disaster replacement exemption shall provide the information required in Section 22.44.880.~~

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~~As used in this section, "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owners; "bulk" means total interior cubic volume as measured from the exterior surface of the structure; and "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.~~

5. Disaster Replacement. As used in this section, "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owners; "bulk" means total interior cubic volume as measured from the exterior surface of the structure; and "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

a. The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements; shall be for the same use as the destroyed structure, shall not exceed either the floor area, height or bulk of the destroyed structure by more than 10 percent; and shall be sited in the same location on the affected property as the destroyed structure.

b. An on-site wastewater treatment system (OWTS) that was damaged or destroyed by a disaster may be replaced provided that the replacement OWTS does not exceed the capacity of the damaged or destroyed OWTS by more than 10 percent to meet minimum code requirements.

c. On-site water tanks that were damaged or destroyed by a disaster may be replaced provided that the replacement tanks do not exceed the aggregate

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capacity of the damaged or destroyed tanks by more than 10 percent. Replacement tanks may be comprised of a single tank or multiple tanks that aggregate to the minimum capacity necessary so long as they are located within the previously established building site.

d. In addition to these requirements, a disaster replacement exemption shall provide the information required in Section 22.44.880.

...

E. De Minimis Waiver of Coastal Development Permit

1. A De Minimis Waiver may be issued by the Director for the items listed below, where the improvements are not otherwise exempt pursuant to Section 22.44.820 and shall be subject to the following provisions:

a. Improvement, Replacement, or Relocation of Undamaged On-site Wastewater Treatment Systems. Improvements to, replacement of, or relocation of an undamaged OWTS within the building site or same general area serving a structure that was damaged or destroyed as a result of a disaster, where the improvements to the OWTS involve upgrading an existing system to an advanced system, installing a new system with the same or increased capacity to meet minimum code requirements, or relocating the system to a different location within the building site or same general area on the same lot.

b. Replacement of Damaged On-Site Wastewater Treatment Systems. Not Exempt. Replacement of a damaged OWTS within the building site or same general area where the replacement OWTS is required to have a capacity that is more than 10 percent greater than the previous OWTS to meet minimum code requirements.

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c. Improvement, Replacement, or Relocation of Undamaged On-Site Water Tanks. Improvements to, replacement of, or relocation of undamaged on-site water tanks within the building site or same general area on the same lot serving a structure that was damaged or destroyed as a result of a disaster, where the improvements to the water tank involve installing a new tank or tanks with an aggregate capacity greater than the previous tank to meet minimum code requirements.

d. Replacement of Damaged On-Site Water Tanks, Not Exempt. Replacement of damaged on-site water tanks within the building site or same general area where the replacement water tanks are required to have an aggregate capacity that is more than 10 percent greater than the previous tanks to meet minimum code requirements.

e. Relocation of Structure Due to Debris Flow. The replacement or reconstruction of a structure damaged or destroyed as a result of a disaster at a different location on the same parcel where a significant change in topography or alteration of drainage features (e.g., creeks, streams, waterways, etc.) resulted from mudslides and other forms of debris flows located on or affecting the lot on which the replaced or reconstructed structure would be located.

f. Improvements to Existing Driveways or Access Roads. Minor improvements to existing driveways or access roads required by the Fire Department, such as minor changes to the width or grade of driveways or access roads, located on the same lot as a structure that was damaged or destroyed by a disaster.

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g. Exploratory Testing. The evaluation of soil and/or hydrologic conditions, or geologic hazards, for a legally-established dwelling unit or commercial structure that was destroyed or rendered uninhabitable by a disaster.

2. Findings. All decisions on de minimis waivers shall be accompanied by written findings that the development meets all of the following criteria that are applicable, based on substantial evidence:

a. Not Appealable to California Coastal Commission. The development is not of a type or in a location where an action on the development would be appealable to the Coastal Commission (For development appealable to the Coastal Commission, see Section 22.44.1050).

b. No Adverse Coastal Resource Impacts. The development has no potential for adverse effects, either individually or cumulatively, on coastal resources, will not be located in H1 or H2 habitat, will not require removing or encroaching into the protected zone of any native tree, and will not adversely affect visual resources.

c. Local Coastal Program Consistency. The development is consistent with the certified Santa Monica Mountains Local Coastal Program.

d. On-Site Wastewater Treatment Systems.

i. The improved, replaced, and/or relocated OWTS is necessary to meet minimum code requirement in service of the rebuilt structure damaged or destroyed by a disaster.

ii. The improved, replaced, and/or relocated OWTS is necessary to better protect coastal resources, as determined by the Director in consultation with County Public Health officials.

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iii. The improved, replaced, and/or relocated OWTS does not have a capacity greater than that necessary to meet minimum code requirements for a rebuilt structure damaged or destroyed by a disaster.

e. On-Site Water Tanks.

i. The improved, replaced, and/or relocated on-site water tank(s) is necessary to meet minimum code requirements in service of the rebuilt structure damaged or destroyed by a disaster.

ii. The improved, replaced, and/or relocated on-site water tank(s) is necessary to better protect coastal resources, as determined by the Director in consultation with Fire Department officials.

iii. The improved, replaced, and/or relocated on-site water tank does not have a capacity greater than that necessary to meet minimum code requirements for a rebuilt structure damaged or destroyed by a disaster.

f. Structure Relocation.

i. The new location of the replacement or restored structure is necessary to better protect coastal resources.

ii. The new location of the replacement or restored structure is necessary to comply with applicable setbacks from top-of-bank and to reduce flood hazards, as determined by the Director in consultation with the Flood Control District.

iii. The restored or replaced structure does not exceed the floor area of the damaged or destroyed structure by more than 10 percent.

g. Driveway or Access Road Improvements.

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i. The improvements are required by the Fire Department to meet current access standards for a rebuilt structure damaged or destroyed by a disaster.

ii. The improvements are in the same general alignment and footprint as the existing road.

h. Exploratory Testing.

i. Exploratory testing is necessary to meet minimum code requirements in service of the rebuilt structure damaged or destroyed by a disaster.

ii. Exploratory testing is conducted within the building site or same general area on the same lot.

iii. Only existing access roads are utilized.

3. Procedures

a. Concurrent Filing. Applications for a de minimis waiver(s) shall be filed and processed concurrently with the application for an exemption to replace or reconstruct the structure on the property that was damaged or destroyed as a result of a disaster.

b. Site Posting. At the time the application is submitted for filing, the applicant must post, at a conspicuous place as close to the site as possible that is easily accessible by the public and approved by the County, notice, on a form approved by the County, that an application for a de minimis waiver has been submitted to the County. Such notice shall contain a general description of the nature of the proposed development.

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c. Environmental Review Board. Applications for a De Minimis Waiver are not subject to review by the Environmental Review Board.

d. Determination and Notice. Determinations on De Minimis Waivers shall be made by the Director and shall not be effective until reported to the Commission. The Director's determination shall be provided to all known interested parties, including the Executive Director of the Coastal Commission, at least 10 days prior to the waiver determination being reported to the Commission.

e. Reporting and Final Action. Determinations on De Minimis Waivers shall be reported to the Commission at the next regularly scheduled meeting. If, after consideration of the waiver, the Commission requests that the waiver not be effective, then the applicant shall be advised that a Coastal Development Permit is required. Otherwise the waiver is effective immediately after the Commission meeting where the matter is heard.

f. Waiver Expiration. A De Minimis Waiver shall expire and be of no further force and effect if the authorized development is not commenced within two years of the effective date of the waiver. If expired, a Coastal Development Permit or another waiver shall be required. The Director may extend such time only once for a period not to exceed one year.

Section 2. Section 22.44.870 is hereby amended to read as follows:

22.44.870 - Application—Filing Fee.

...

Coastal Development Permit Variance - \$11,293

De Minimis Waiver - ~~\$1,623~~ \$1,629

Restoration Order - \$12,571

...

Section 3. Section 22.44.960 is hereby amended to read as follows:

22.44.960 - Emergency Projects.

A. Emergency Project Requirements. In the event of an emergency within the County's jurisdiction, where an emergency is defined as a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services, an application for an emergency CDP ("emergency permit") may be made to the Director. The Director may issue an emergency permit in accordance with Coastal Act section 30624 and the following:

~~A-1.~~ Applications in cases of emergencies shall be made to the Director by letter, facsimile, or e-mail during business hours if time allows, by telephone or in person if time does not allow, ~~within four days (96 hours) of learning of the emergency.~~

~~B-2.~~ The information to be included in the application shall include the following:

~~1-a.~~ The nature of the emergency.

~~2-b.~~ The cause of the emergency, insofar as this can be established.

~~3-c.~~ The location of the emergency.

~~4-d.~~ The remedial, protective or preventative work required to deal with the emergency.

~~5-e.~~ The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.

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~~E-3.~~ The Director shall verify the facts, including the existence and nature of the emergency, insofar as time allows. The Director shall document in writing the steps taken to verify the emergency and the conclusions based thereon.

~~D- 4.~~ Prior to issuance of an emergency permit when feasible, the Director shall notify, and coordinate with, the South Central Coast District office of the Coastal Commission as to the nature of the emergency and the scope of the work to be performed. ~~This notification shall be in person or by telephone.~~

~~E- 5.~~ The Director shall provide public notice of the proposed emergency, with the extent and type of notice determined on the basis of the nature of the emergency itself. The Director may grant an emergency permit upon reasonable terms and conditions, which must include an expiration date and the requirement that the permittee submit a regular permit application later, consistent with subsection F.5 if the Director finds that:

~~1-a.~~ An emergency exists and requires action more quickly than permitted by the procedures for CDPs administered pursuant to the provisions of this Chapter and Public Resources Code section 30600.5 and the development can and will be completed within 30 days unless otherwise specified by the terms of the permit.

~~2-b.~~ Public comment on the proposed emergency action has been reviewed if time allows.

~~3-c.~~ The work proposed would be temporary and consistent with the requirements of the LCP.

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~~4-d.~~ The work proposed is the minimum action necessary to address the emergency and, to the maximum extent feasible, is the least environmentally damaging temporary alternative for addressing the emergency.

~~5-e.~~ The Director shall not issue an emergency permit for any work that falls within the provisions of Public Resources Code section 30519(b) because a CDP application must be reviewed by the Coastal Commission pursuant to provisions of California Public Resources Code section 30600.5.

~~F-6.~~ The emergency permit shall be a written document that includes the following information:

~~4-a.~~ The date of issuance.

~~2-b.~~ The expiration date.

~~3-c.~~ The scope of work to be performed.

~~4-d.~~ Terms and conditions of the permit.

~~5-e.~~ A provision stating that within 90 days of issuance of the emergency permit, a complete application for a regular CDP shall be submitted and properly filed consistent with the requirements of this LIP.

~~6-f.~~ A provision stating that any development or structures constructed pursuant to an emergency permit shall be considered temporary until authorized by a follow-up regular CDP and that issuance of an emergency permit shall not constitute an entitlement to the erection of permanent development or structures.

~~7-g.~~ A provision that states that: The development authorized in the emergency permit must be removed unless a complete application for a regular CDP is filed within 90 days of approval of the emergency permit and said regular permit is

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approved. If a regular CDP authorizing permanent retention of the development is denied, then the development that was authorized in the emergency permit, or the denied portion of the development, must be removed. The Director may extend the length of time for the permittee to submit a complete application for a regular CDP, for good cause, if such an extension is requested and substantiated by the applicant.

~~G-7.~~ The emergency permit may contain conditions for removal of development or structures if they are not authorized in a regular CDP, or the emergency permit may require that a subsequent permit must be obtained to authorize the removal.

~~H-8.~~ The Director shall report in writing to the Commission at each meeting the emergency permits applied for or issued since the last report, with a description of the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall have been mailed at the time that application summaries and staff recommendations are normally distributed to the Coastal Commission and all persons who have requested such notification in writing.

~~I-9.~~ All emergency permits issued after completion of the agenda for the meeting shall be briefly described by the Director at the meetings and the written report required by subsection H above shall be distributed prior to the next succeeding meeting.

~~J-10.~~ The report of the Director shall be informational only; the decision to issue the emergency permit is solely at the discretion of the Director.

B. Temporary Housing Authorized. Temporary housing may be authorized in conjunction with the loss of a residential structure due to a disaster, which in this Section means any situation in which the force or forces which destroyed the structure were

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beyond the control of its owners. Temporary housing is subject to approval of an emergency permit pursuant to this Section and subject to the following provisions:

1. Eligibility. The following eligibility standards shall apply:

a. Temporary housing structures include recreational vehicles, manufactured homes, and mobilehomes, as defined in the California Health and Safety Code utilized for a legally-established dwelling unit that was destroyed or rendered uninhabitable by a disaster.

b. Temporary housing shall be permitted only on a lot or parcel of land where a legally-established single-family residence, multi-family residence, or employee housing was irreparably damaged or destroyed by a disaster.

c. Temporary housing shall be limited to the following eligible dwelling units: a single-family residence, an accessory dwelling unit, a caretaker's residence, or a farmworker dwelling unit.

d. Temporary housing shall be limited to one (1) unit per eligible dwelling unit. A maximum of two (2) units of temporary housing may be placed on any lot.

e. The Director shall not accept an application for temporary housing, unless the applicant lived in the dwelling unit on the lot within 12 months of the date of the disaster. The applicant shall substantiate their eligibility to file such an application by providing, to the satisfaction of the Director, a driver's license or other government-issued identification card, property tax bill, utility bill, or similar document.

f. Where temporary housing is necessary to replace legally-established employee or multi-family housing destroyed by a disaster, the temporary

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housing shall accommodate no more than the number of individuals who legally lived on-site before the disaster.

g. Temporary housing to replace legally-established employee housing destroyed by a disaster shall be limited to employees who work on-site.

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

i. Temporary housing authorized pursuant to this Section shall not be considered a legally-established single-family residence.

j. An emergency permit issued for temporary housing pursuant to this Section shall not be subject to Subsection 22.44.960(A)(6)(e) and 22.44.960(A)(6)(g).

2. Habitability. The following standards for temporary housing unit size and amenities shall apply:

a. All combined temporary housing on the lot shall not exceed a maximum floor area of 1,500 square feet or the floor area of the eligible dwelling unit, whichever is smaller.

b. One temporary storage structure, not to exceed 450 square feet and 10 feet in height, shall be permitted with each permitted unit of temporary housing.

c. A minimum distance of six feet shall be required between temporary housing and any other structure on the same lot.

d. Temporary housing shall not include any structural attachments.

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e. Temporary housing shall contain sleeping, cooking, bathing, and sanitary facilities.

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

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

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

3. Siting and Location. Temporary housing and temporary storage structures shall be located:

a. Within the existing, legally approved building site on which the eligible dwelling unit was located and as defined in the LIP; or

b. On any flat area legally cleared of vegetation for development other than fuel modification located immediately adjacent to the approved building site; or

c. Within the existing developed area for an eligible dwelling unit approved through a CDP before the certification of this LIP, approved through a CDP pursuant to this LIP, or within the existing legal development area constructed before the effective date of the Coastal Act. The legal development area shall include all of the site that was legally developed, including the building pad and all graded slopes, all structures, driveways, and parking areas. The placement of temporary housing shall not require grading or cause new impacts to biological resources.

4. Timing. The following permit duration, extension, and expiration provisions shall apply:

a. Any application filed in accordance with this Section shall be filed within two years of the date of the disaster.

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b. Any permit approved for temporary housing shall expire two years following the date of the disaster.

c. The Director may grant up to three (3) one-year extensions for approved emergency permits for temporary housing, for a maximum cumulative duration of five (5) years, if the Director determines that additional time is necessary because of systemic delays beyond the control of the property owner have occurred affecting financing or construction.

d. Temporary housing and temporary storage structures authorized pursuant to this Section shall be removed within 24 hours of the expiration date listed on the emergency permit.

e. 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 of the eligible dwelling unit.

PROPOSED ENVIRONMENTAL DETERMINATION

DETERMINATION DATE: February 26, 2025
PROJECT NUMBER: PRJ2025-000134-(3)
PERMIT NUMBER(S): Advance Planning Case No. RPPL2025000161
SUPERVISORIAL DISTRICT: 3
PROJECT LOCATION: Santa Monica Mountains Coastal Zone
CASE PLANNER: Cameron Robertson, Senior Regional Planner
crobertson@planning.lacounty.gov

Los Angeles County (“County”) completed an initial review for the above-mentioned project. Based on examination of the project proposal and the supporting information included in the application, the County proposes that an Exemption is the appropriate environmental documentation under the California Environmental Quality Act (CEQA). The project qualifies as Statutorily Exempt under State CEQA Guidelines Sections 15265, 15269, and Public Resources Code Sections 21080(b)(3) because CEQA does not apply to activities and approvals pursuant to the California Coastal Act for any local government necessary for the preparation and adoption of a local coastal program; compliance is shifted from the local agency to the California Coastal Commission for local coastal programs; and emergency projects to maintain, repair, restore, demolish or replace property damaged or destroyed as a result of a disaster and specific actions necessary to mitigate an emergency are exempt. Additionally, the Project does not alter the intended uses and intensities planned for at any location already contemplated by the General Plan, its component Area or Community Plans, Specific Plans, or Title 22 of the Los Angeles County Code.

CEQA Guidelines Section 15265 – Adoption of Coastal Plans and Programs

CEQA does not apply to activities and approvals pursuant to the California Coastal Act (commencing with Section 30000 of the Public Resources Code) by [any] local government, as defined in Section 30109 of the Public Resources Code, necessary for the preparation and adoption of a local coastal program.

CEQA does not apply to this project, as it is an amendment to the adopted local coastal program. This section also shifts the burden of CEQA compliance from the local government, in this case Los Angeles County, to the California Coastal Commission. The Coastal Commission’s program of certifying local coastal programs and long-range land use development plans has been verified under Section 21080.5, Public Resources Code.

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CEQA Guidelines 15269 – Emergency Projects

The following emergency projects are exempt from the requirements of CEQA.

- a) Projects 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 the California Emergency Services Act, commencing with Section 8550 of the Government Code.*
- c) Specific actions necessary to prevent or mitigate an emergency.*

This ordinance amends the Santa Monica Mountains Local Implementation Program (LIP) to include provisions for temporary housing and the reconstruction of homes, utilities, and access for properties that suffered irreparable damage or destruction as a result of disasters such as wildfire. These provisions support the current LIP exemptions for rebuilding after a disaster.

Public Resources Code Section 21080 - Division Application to Discretionary Projects; Nonapplication; Negative Declarations; Environmental Impact Report Preparation

(b) This division does not apply to any of the following activities:

- (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 proposes procedures and standards for temporary housing and rebuilding in response to the catastrophic wildfires that affected the Los Angeles County Coastal Zone in 2025. A State of Emergency for Los Angeles County was proclaimed by the Governor of the State of California on January 7, 2025.

**SUMMARY OF PROCEEDINGS
REGIONAL PLANNING COMMISSION
SANTA MONICA MOUNTAINS COASTAL ZONE DISASTER RECOVERY
ORDINANCE
PROJECT PRJ2025-000134-(3)
ADVANCE PLANNING CASE NO. RPPL2025000161**

February 26, 2025, Regional Planning Commission Hearing

On February 26, 2025, the Regional Planning Commission ("Commission") conducted a duly-noticed public hearing to consider the Santa Monica Mountains Coastal Zone Disaster Recovery Ordinance ("Project").

Regional Planning staff ("staff") provided the Commission with an overview of the Project, the project background, and a summary of the proposed amendments to the Santa Monica Mountains Local Implementation Plan ("LIP") for disaster recovery. Staff presented how the Project incorporates provisions from the countywide Disaster Recovery Ordinance, supports the Governors' Executive Orders for streamlining the rebuild process, and meets the intent of the Local Coastal Program by ensuring consistency with existing rebuild provisions and maintaining protection of biological resources.

Discussion

A representative from the Las Virgenes Homeowners Federation provided testimony requesting that the project provide protections for existing homeowners and environmental resources.

Two representatives from Schmitz and Associates provided testimony requesting provisions to allow new water tanks to be allowed under a De Minimis Waiver where the public water system does not meet fire flow requirements. They also requested that the De Minimis Waiver be expanded to include off-site road improvements where required by the Fire Department.

The Commission asked staff to respond to the testimony provided. Staff responded that the provisions proposed in the Project were reviewed by the California Coastal Commission for consistency with the Coastal Act and that the provisions were consistent with the Local Coastal Program. Staff responded that the priority for the Project was to streamline permitting for disaster rebuilds on their respective sites and that new impacts to off-site resources and possible issues such as easements and width restrictions were beyond the scope of the streamlined processes contemplated in the Project. Staff responded that water tanks would be allowed under the De Minimis Waiver where there was already a water tank previously established on site. Staff responded that Appendix B of the County Fire Code requires that parcels connected to a public water main meet

**ATTACHMENT 4
HEARING PROCEEDINGS**

fire flow requirements and that the County Fire Code would not require an additional water tank for fire suppression. If an applicant wanted to install an additional water tank as a precautionary measure, they would be required to apply for a different type of permit that would assess the impact of a new additional water tank.

The Commission asked staff about whether parcels purchased after the disaster were entitled to the rebuild provisions. Staff responded that all structures damaged or destroyed by disaster are eligible for rebuilding under the existing and proposed provisions, but applicants that were not owners or residents at the time of disaster would not be eligible for expedited permit processing.

The Commission asked whether the major relocation of a road or driveway as a result of debris flow was covered by the De Minimis Waiver. Staff responded that minor alterations may be covered by the De Minimis Waiver but major alterations that resulted in impacts to biological resources would likely require additional review and a different permit type. The Commission followed up the response to ask how major or minor impacts are determined. Staff responded that impacts were determined by the existing biological resource provisions in the LIP.

The Commission asked how the allowed 10% increase for rebuilds could be implemented in a project and if the 10% could be shifted within the project. Staff responded that the 10% increase was cumulative of the entire footprint of the legally-established area and that a project may increase the size of one portion of the project but may need to reduce area elsewhere to account for the increase.

The Commission asked whether there were protections in place for biological resources, and whether the 10% allowed increase for rebuilds could encroach into sensitive habitat resource areas. Staff responded that the Project does not modify, nor does it preempt, the existing provisions of the LIP which currently include strict protections for biological resources. If a project proposed that the allowed 10% increase extend into sensitive resources, the case planner would direct the applicant to redesign the proposed increase away from sensitive resources to avoid impacts.

The Commission closed the public hearing and voted unanimously to recommend approval of the Project to the Board of Supervisors.

VOTE:

Concurring: Commissioners Louie, Duarte-White, O'Connor, Moon, and Hastings

Dissenting: None

Abstaining: None

**RESOLUTION
REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
SANTA MONICA MOUNTAINS COASTAL ZONE
DISASTER RECOVERY ORDINANCE
PROJECT NO. PRJ2025-000134-(3)
ADVANCE PLANNING CASE NO. RPPL2025000161**

WHEREAS, the Regional Planning Commission (“Commission”) of the County of Los Angeles conducted a duly noticed public hearing on February 26, 2025 to consider the Santa Monica Mountains Coastal Zone Disaster Recovery Ordinance (“Project”), an amendment to the Santa Monica Mountains Local Implementation Program (“LIP”) in Title 22 (Planning and Zoning) of the Los Angeles County Code (“Title 22”), to facilitate disaster recovery in the Santa Monica Mountains Coastal Zone of unincorporated Los Angeles County.

WHEREAS, the Commission finds as follows:

1. Starting on January 7, 2025, the County of Los Angeles (County) was impacted by severe and life-threatening windstorms and resulting in multiple destructive, wind-driven fires across the county. The Palisades Fire burned more than 24,000 acres and damaged or destroyed nearly 8,000 structures, including approximately 800 structures in the Santa Monica Mountains Coastal Zone of unincorporated Los Angeles County.
2. On January 7, 2025, the Chair of the Board of Supervisors declared a State of Local Emergency pursuant to Chapter 2.68 of the Los Angeles County Code due to the conditions of disaster and extreme peril due to the January 2025 Windstorm and Critical Fire Events experienced in wide areas of Los Angeles County.
3. On January 7, 2025, the Governor of the State of California proclaimed a State of Emergency for Los Angeles and Ventura counties, and the Federal Emergency Management Agency approved a Fire Management Assistance Grant to assist with the mitigation, management and control of the Palisades Fire and concurrent wildfire events and windstorm conditions.
4. On January 8, 2025, the President of the United States declared the existence of a major disaster in the State of California and ordered federal aid to supplement State and local recovery efforts in the areas affected by wildfires, including the Palisades Fire.
5. On January 10, 2025, the Local Health Officer declared a health emergency due to critical fire events and windstorm conditions.

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6. On January 12, 2025, the Governor of the State of California issued an executive order to suspend permitting and review requirements under the California Environmental Quality Act and the California Coastal Act to allow victims of the recent fires to restore their homes and businesses faster.
7. On January 14, 2025, the Board ratified the Proclamation of Local Emergency made on January 7, 2025, for the January 2025 Windstorm and Critical Fire Events.
8. The Governor of the State of California ("Governor") issued Executive Order N-4-95 on January 12, 2025, which suspended CEQA regulations and permits required under the California Coastal Act for legally-established properties and facilities destroyed by disaster and to be replaced to substantially the same location, and not exceeding 110% of the original height and footprint area.
9. The Governor issued Executive Order N-9-25 on January 16, 2025, which suspends any ordinances which preclude the placement and use of a manufactured home, mobilehome, or recreational vehicle on a private lot (outside of mobilehome parks and special occupancy parks) for use during the reconstruction or repair of any home damaged or destroyed by these fires. This suspension shall be in effect for three years from the date of the Order, or until the Paragraph is terminated, whichever is earliest.
10. The Governor issued Executive Order N-14-25 on January 27, 2025, suspends permitting and procedures under the Coastal Act for projects covered by Paragraph 1 of Executive Order N-4-25 and Paragraph 2 of Executive Order N-9-25 to allow accelerated rebuilding of damaged or destroyed properties.
11. On January 14, 2025, the Board of Supervisors instructed the Director of Regional Planning to prepare and submit amendments to the Santa Monica Mountains Local Coastal Plan to the Coastal Commission to add regulations allowing temporary housing, as defined by the County Disaster Recovery Ordinance, and other minor modifications that do not impact coastal resources, on a parcel where a legally-established single-family residence or legally-established employee housing in the Coastal Zone was irreparably damaged or destroyed by the Palisades Fire.
12. The County adopted the Local Coastal Program ("LCP") in 2014 and LCP amendments in 2018 and 2024, which exempts the replacement of any structure, other than a public works facility, destroyed by a disaster, consistent with Section 30610 of the Coastal Act, but does not include additional provisions for other disaster recovery needs such as temporary housing.

13. To support recovery of Coastal Zone communities following the January 2025 Windstorm and Critical Fire Events, as well as for future disasters, the Project amends the LIP to incorporate ancillary rebuild provisions, allowing for temporary housing and the reconstruction of structures, utilities, and access damaged or destroyed by disaster.
14. The Project proposes that on-site wastewater treatment systems ("OWTS") and water tanks be subject to Coastal Development Permit Exemptions when rebuilt to the original capacity, plus 10%, as a result of a disaster.
15. The Project proposes that temporary housing be subject to Emergency Coastal Development Permits without the need for a follow up Coastal Development Permit.
16. The Project proposes that a new permit type, *De Minimis* Waiver of Coastal Development Permit, be implemented for improvements associated with a disaster rebuild that are not otherwise exempt from the LIP. A new filing fee would be implemented for the *De Minimis* Waiver, equivalent to the CDP Exemption.
17. The Project proposes that disaster rebuild activities subject to *De Minimis* Waiver include: OWTS and water tanks that exceed the 10% expansion allowed under a CDP Exemption; minor relocation of rebuilt structures due to hazards and topological changes; minor improvements to driveways and road access to meet minimum Fire Department requirements; and exploratory testing for reconstruction of water wells and/or OWTS.
18. The proposed LIP amendments under this Project are consistent with the goals and objectives of the Coastal Act and Local Coastal Program ("LCP") and supports policies of the Santa Monica Mountains Land Use Plan by allowing only reconstruction of previously established structures and upgrades for code compliance while minimizing potential impacts to coastal resources.
19. The Project is consistent with and supportive of the goals, policies, and principles of the General Plan, including: Housing Element Policy 7.5, to facilitate the replacement of units damaged or destroyed in a disaster, and the health and safety of residents displaced by the disaster; and Safety Element Policy S 4.3, to ensure that biological and natural resources are protected during rebuilding after a wildfire event.
20. Approval of the Project will be in the interest of the public health, safety, and general welfare and in conformity with good zoning practice.

21. The Project is consistent with other applicable provisions of the LIP and Title 22 of the County Code.
22. Staff conducted meetings with the California Coastal Commission and interested community groups to receive comments and feedback on the Project.
23. Pursuant to Section 22.222.180 and 22.44.970 of the County Code, a public hearing notice was published in the local newspaper (The Malibu Times) on January 23, 2025, and email notices sent to 599 email contacts. The public hearing notice and materials were posted on the project website.
24. The Project is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15265, 15269, Public Resources Code Sections 21080(b)(3), and the County environmental guidelines.
25. On February 26, 2025, the Commission conducted a duly-noticed public hearing to consider the proposed Project. Three members of the public addressed the Commission to provide testimony and recommend modifications to the Project. Staff provided responses to questions from the public and from the Commission. The Commission unanimously recommended approval to the Board of Supervisors.

THEREFORE, BE IT RESOLVED THAT the Commission recommends to the Board of Supervisors of the County of Los Angeles ("Board") as follows:

1. That the Board hold a public hearing to consider the Santa Monica Mountains Coastal Zone Disaster Recovery Ordinance;
2. That the Board find that the Santa Monica Mountains Coastal Zone 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 Santa Monica Mountains Coastal Zone Disaster Recovery Ordinance is compatible with and supportive of the goals and policies of the General Plan and in the interest of public health, safety, and general welfare and in conformity with good zoning practice, and consistent with other applicable provisions of the Santa Monica Mountains Local Coastal Program and Title 22; and
4. That the Board adopt the Santa Monica Mountains Coastal Zone Disaster Recovery Ordinance.

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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 February 26, 2025.



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

APPROVED AS TO FORM: OFFICE OF THE COUNTY COUNSEL

By 

Starr Coleman
Assistant County Counsel
County of Los Angeles