



County of Los Angeles

August 5, 2025

Dawyn R. Harrison  
County Counsel

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

Board of Supervisors

Hilda L. Solis  
Supervisor, First District

**Re: Santa Monica Mountains Coastal Zone Disaster Recovery Ordinance  
(06/24/25 Board Agenda; Item No. 6)**

Holly J. Mitchell  
Supervisor, Second District

Dear Supervisors:

Lindsey P. Horvath  
Supervisor, Third District

Your Board previously conducted a duly-noticed public hearing regarding the Santa Monica Mountains Coastal Zone (SMMCZ) Disaster Recovery ordinance (Ordinance) amending Title 22 – Planning and Zoning of the Los Angeles County Code to facilitate disaster recovery in the SMMCZ; and 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 wildfires. At the conclusion of the public hearing, your Board indicated its intent to approve the Ordinance. Enclosed are the analysis and Ordinance for your Board's consideration.

Janice Hahn  
Supervisor, Fourth District

Kathryn Barger  
Supervisor, Fifth District



Very truly yours,

DAWYN R. HARRISON  
County Counsel

By   
KATHY PARK  
Deputy County Counsel

APPROVED AND RELEASED:

  
THOMAS J. FAUGHNAN  
Senior Assistant County Counsel

KP:ll  
Enclosures

c: Fesia A. Davenport, Chief Executive Officer  
Edward Yen, Executive Officer, Board of Supervisors  
Amy J. Bodek, Director, Department of Regional Planning

## **ANALYSIS**

This ordinance amends Title 22 – Planning and Zoning of the Los Angeles County Code 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.

DAWYN R. HARRISON  
County Counsel

By   
KATHY PARK  
Deputy County Counsel  
Property Division

KP:II

Requested: 06/27/25

Revised: 07/10/25

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

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code 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.

**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:

1. a. Improvements to existing lawfully-established single-family residence except as noted below in ~~s~~Subsection b. For purposes of this ~~s~~Section, the term "Existing lawfully-established single-family residence" includes all fixtures and structures directly attached to the residence and those structures normally associated with a single-family residence, such as garages, swimming pools, fences, storage sheds, and landscaping but specifically not including guest houses or accessory self-contained residential units;

b. The exemption in ~~s~~Subsection a., above, shall not apply to the following classes of development which require a CDP because they involve a risk of adverse environmental impact:

. . .

iv. On property not included in §Subsection b.i.<sub>1</sub> above<sub>1</sub> that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in a Scenic Resources Area as designated by the County, an improvement that would result in: (1) a cumulative (when combined with other such improvements that occurred previously pursuant to Public Resources Code section 30610(a) or this §Subsection A.1) increase of 10 percent or more of internal floor area of an existing structure<sub>1</sub>; or (2) a cumulative increase in height by more than 10 percent of an existing structure, and/or any significant non-attached structure<sub>1</sub> such as garages, fences, shoreline protective works, or docks;

...

2. a. Improvements to any existing lawfully-established structure other than a single-family residence or public works facility, except as noted below in §Subsection b. For purposes of this §Section, the term "Existing lawfully-established structure other than a single-family residence or public works facility" includes all fixtures and other structures directly attached to the structure, and the landscaping on the lot;

b. The exemption in §Subsection a.<sub>1</sub> above<sub>1</sub> shall not apply to the following classes of development which require a CDP because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to the policy of Division 20 of the California Public Resources Code:

...

iv. On property not included in sSubsection 2.b.i., above, that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in a Scenic Resource Area as designated by the County, or an improvement that would result in a cumulative (when combined with other such improvements that occurred previously pursuant to Public Resources Code section 30601-(b) or this sSubsection A.2) increase of 10 percent or more of internal floor area of the existing structure, and/or a cumulative increase in height by more than 10 percent of an existing structure;

...

3. Repair and Maintenance Activities.

...

b. The exemption in sSubsection a., above, shall not apply to the following extraordinary methods of repair and maintenance which require a CDP because they involve a risk of substantial adverse environmental impact:

...

c. All repair and maintenance activities governed by sSubsection 3.b., above, shall be subject to the LCP permit regulations, including, but not limited to, the regulations governing administrative and emergency permits. The provisions of sSubsection 3b., above, shall not be applicable to those activities specifically described in the document entitled "Repair, Maintenance and Utility Hookups," adopted by the Coastal Commission on September 5, 1978, unless a

proposed activity will have a risk of substantial adverse impact on public access, H1 or H2 habitat area, wetlands, or public views to the ocean.

. . .

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.~~

~~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.~~

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 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 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 the replacement OWTS does not exceed the capacity of the damaged or destroyed OWTS by more than 10 percent to meet minimum County Code requirements.

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

...

7. Temporary events as described below.

...

c. For purposes of this sSubsection A.7, a temporary event is one that continues for no more than two weeks on a continual basis or that is intermittent for up to four months.

...

B. Record of Permit Exemptions. The Director shall maintain a record of all those developments within the Coastal Zone that have been authorized as being exempt from the requirement for a CDP pursuant to this sSection. This record shall be available for review by members of the public and representatives of the Coastal Commission. The Record of Permit Exemptions shall include the name of the applicant, the location of the project, and a brief description of the project.

...

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



County 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 County Code requirements.

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 County 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 County 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.

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 County 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.

iii. The improved, replaced, and/or relocated OWTS does not have a capacity greater than that necessary to meet minimum County 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 County 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 County 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.

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 County 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.

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 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.**

For the purpose of defraying the expense involved in connection with any application or petition required or authorized by this LIP, the following fees shall accompany the application or petition:

. . .

Coastal Development Permit Appeal—No Fee

Coastal Development Permit Variance—~~\$11,685~~\$11,293

De Minimis Waiver—\$1,623

Restoration Order—~~\$13,008~~\$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:

A1. 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.~~

B2. The information to be included in the application shall include the following:

4a. The nature of the emergency.

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

3c. The location of the emergency.

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

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

E3. 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.

~~D4.~~ 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.~~

~~E5.~~ 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 ~~s~~Subsection F.56.e, if the Director finds that:

~~4a.~~ 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.

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

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

~~4d.~~ 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.



~~5e.~~ 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.

~~F6.~~ The emergency permit shall be a written document that includes the following information:

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

~~2b.~~ The expiration date.

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

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

~~5e.~~ 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.

~~6f.~~ 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.

~~7g.~~ 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 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 ~~s~~Subsection H~~8~~, 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 beyond the control of its owners. Temporary housing is subject to approval of an emergency permit, pursuant to this Subsection 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 unit per eligible dwelling unit. A maximum of two 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 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.

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.

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 one-year extensions for approved emergency permits for temporary housing, for a maximum cumulative duration of five 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 Subsection 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 Subsection shall be removed within 30 days after the issuance of the certificate of occupancy for the replacement of the eligible dwelling unit.

[2244820KPCC]