

**SECOND SUPPLEMENT TO THE EXECUTIVE ORDER OF THE DIRECTOR OF
EMERGENCY SERVICES DECLARING THE EXISTENCE OF A LOCAL
EMERGENCY**

WHEREAS, life-threatening, destructive, widespread windstorm and extreme fire weather system commenced on Tuesday, January 7, 2025, impacting the Los Angeles metropolitan area, including the City of Santa Monica, County and City of Los Angeles, and threatening life and safety, public and private property and structures, and other critical infrastructure; and

WHEREAS, the National Weather Service has advised that damaging N/NE gusts of 50- 80 mph, as well as isolated 80-100 mph in the mountains and foothills, were expected across most of Los Angeles metropolitan area; and

WHEREAS, commencing on January 7, 2025, the Palisades Fire and other major fires, including, but not limited to, the Eaton Fire located primarily in Altadena (Regional Fires) ignited in Los Angeles County, burning over well over 40,000 acres as of the time this Proclamation is issued; and

WHEREAS, high winds, low humidity, and dry conditions have increased the intensity and spread of the Regional Fires, causing imminent threats to life with Red Flag warnings in effect in Los Angeles and Ventura Counties and widespread dangerous windstorm conditions with damaging wind gusts of 50 to 80 mph forecasted; and

WHEREAS, the Regional Fires and windstorm conditions threaten structures, homes, and critical infrastructure, including power lines and water tanks, and have prompted evacuation orders and warnings and impacted the access route to the Regional Fires communities; and

WHEREAS, along with the windstorm, the Regional Fires have already spread across more than 40,000 acres, damaging or destroying structures and prompting evacuation orders and road closures, and continue to threaten structures, homes and critical infrastructure; and

WHEREAS, the National Weather Service issued a rare Particularly Dangerous Situation (PDS) Red Flag warning for 19 million people in the Los Angeles metropolitan area, which means there is a high risk of extreme fire behavior and very rapid growth due to dangerously high winds, low humidity and extremely dry vegetation; and

WHEREAS, this weather system has caused, or is substantially likely to cause, extreme conditions such as power outages, damage to power poles, fallen trees, and extreme fire behavior, impacting significant transportation arteries, requiring long-term repair and threatening the integrity of the critical infrastructure; and

WHEREAS, based upon the above events, by reason of its magnitude, and the need to protect the health, safety, and welfare of the residents and property of the City of Santa Monica, and aid in the assistance of those affected by the Regional Fires, there exists the potential that these events are likely to become beyond the control of the normal services, personnel, equipment, and facilities of the regularly constituted branches and departments of the City Government, and that such emergency conditions require the mobilization of mutual aid resources and the ability to coordinate a multiagency response; and

WHEREAS, on January 7, 2025, as a result of the widespread windstorm and extreme fire weather, the Los Angeles County Board of Supervisors proclaimed a Local Emergency in the County of Los Angeles; and

WHEREAS, on January 7, 2025, the Mayor of the City of Los Angeles declared the existence of a Local Emergency throughout the City of Los Angeles to take such steps that are necessary for the protection of life and property; and

WHEREAS, on January 7, 2025, the Governor of the State of California declared a state of emergency to make additional resources available; and

WHEREAS, the City of Santa Monica (the City) has a population of over 90,000 residents, is a major tourist destination, has two major hospitals and an airport within its jurisdiction, is a significant destination for business travel, and is adjacent to and contiguous on three sides with the City of Los Angeles, resulting in high volumes of residents and visitors traveling within and across the City's borders; and

WHEREAS, on January 7, 2025, the City activated its Emergency Operations Center to support ongoing emergency actions in response to the spread of the Regional Fires; and

WHEREAS, the City intends to continue to take bold and aggressive actions to protect the public health and safety during this local and state emergency; and

WHEREAS, the above described events are creating conditions of extreme peril and such conditions are likely to be beyond the control of the services, personnel, equipment, and facilities of the City, requiring the combined forces of other political subdivisions to combat; and

WHEREAS, the Regional Fires have displaced many thousands of residents who are in need of temporary housing; and

WHEREAS, the City's regulations related to home-sharing and residential leases as set forth in Santa Monica Municipal Code Chapters 6.20 and 6.22, and prohibition against stays of longer than 30 days in bed and breakfasts and hotels may impede the ability of residents, landlords, and local businesses to house those displaced by the Regional Fires; and

WHEREAS, tenants who wish to accommodate persons displaced by the Regional Fires on a temporary basis may be restricted from doing so by lease terms limiting the number of occupants or pets in a residential unit; and

WHEREAS, on January 8, 2025, the City Manager, in his role as the Director of Emergency Services, ("Executive Director of Emergency Services") issued an Executive Order of the Director of Emergency Services of the City of Santa Monica Declaring the Existence of a Local Emergency ("Executive Order") declaring a local emergency pursuant to Chapter 2.16 of the Santa Monica Municipal Code to ensure the availability an effective response to the Regional Fires; and

WHEREAS, pursuant to the Executive Order, the Executive Director of Emergency Services further: 1) relaxed permitting requirements for schools and child care and early education facilities that were displaced; 2) suspended preferential parking rules and enforcement of Santa Monica Municipal Code Chapters 6.20, Home-Sharing and Vacation Rentals, and 6.22, Residential Leasing Regulations for persons who provide alternative accommodations to persons displaced; 3) triggered prohibitions on price-gouging under the Santa Monica Municipal Code and the California Penal Code; 4) prohibited landlords from evicting residential tenants based on the presence of unauthorized occupants or pets, if the occupant or pet has been displaced due to an evacuation order or poor air quality conditions; 5) imposed a curfew in all areas subject

to a mandatory evacuation order; 6) suspended all previously-issued building permits for areas subject to mandatory evacuation orders and evacuation warnings; 7) triggered emergency procurement and expenditure provisions under Chapter 2.16; and 8) permits bed and breakfasts and hotels and motels to allow stays beyond 30 days; and

WHEREAS, on January 10, 2025, the Executive Director of Emergency Services issued a Revised Executive Order of the Director of Emergency Services of the City of Santa Monica Declaring the Existence of a Local Emergency (“Revised Executive Order”) restating the declaration of local emergency, and 1) prohibiting landscaping activities in areas subject to a Mandatory Evacuation Order; and 2) making other minor amendments and clarifications; and

WHEREAS, on January 10, 2025, at a Special Meeting of the City Council, the Council adopted Resolution Number 11639 (CCS) to: 1) ratify the Executive Order and Revised Executive Order; 2) proclaim a local emergency throughout the City; and 3) authorize the Executive Director of Emergency Services to take all actions related to the protection of life and property that are reasonably necessary to respond to the local emergency caused by the Regional Fires; and

WHEREAS, on January 10, 2025, the City Council further directed staff to supplement the Executive Order to: 1) relax permitting requirements for small businesses and nonprofit organizations that were operating in Los Angeles County and have been impacted by the Regional Fires: 2) prioritize any necessary permitting and inspections for displaced schools, early childhood education centers, small businesses and nonprofit organizations, and clarify that strict adherence to building codes shall not be required on this temporary basis unless the provision directly affects health and safety; 3) grant priority on the City’s below market housing waitlist to households displaced by the

Regional Fires with minor children currently attending SMMUSD schools or that work in the City at least 25 hours per week; 4) prohibit open flames during times of red flag warnings; and 5) make other minor clarifications and corrections; and

WHEREAS, on January 14, 2025, the Executive Director of Emergency Services issued a Second Revised Executive Order of the Director of Emergency Services of the City of Santa Monica Declaring the Existence of a Local Emergency (“Second Revised Executive Order”) to implement Council direction; and

WHEREAS, as of January 30, 2025, the Regional Fires have destroyed more than 17,000 structures; and

WHEREAS, the damage caused by the Regional Fires has left thousands displaced due to loss of housing or inability to access their homes due to safety reasons; and;

WHEREAS, schools located in the City’s residential zoning districts that are subject to occupancy limitations under previously-issued Conditional Use Permits (CUPs) have received requests to accommodate students from other campuses operated by the school that were impacted by the Regional Fires; and

WHEREAS, increasing occupancy limitations for those schools will allow for students displaced by the Regional Fires to continue their education; and

WHEREAS, before the Regional Fires, local restaurants had been impacted by inflation and the continuing rise in operating costs; and

WHEREAS, Santa Monica restaurant operators are reporting year-on-year sales for the month of January dropped between 10 and 20 percent, with more significant impact in areas with restricted access due to the Regional Fires, including the beach and the Santa Monica Pier, reporting sales down by 20-40%; and

WHEREAS, although outdoor dining options have continued to serve as popular options for customers seeking to enjoy the year-round Southern California climate and sunshine, the Regional Fires caused hazardous air quality, limiting restaurant's ability to utilize outdoor dining areas for parts of the month of January; and

WHEREAS, without relief, the drop in revenue resulting from Regional Fires may result in layoffs of staff or even closure; and

WHEREAS, waiving license fees for outdoor dining areas, sidewalk dining, parklets, and pier deck extended dining for the month of February 2025 will provide Santa Monica restaurants and other businesses with outdoor dining options some economic relief to help remain open and support their overall business recovery; and

WHEREAS, as a result of the recent Regional Fires, hotels and motels in Santa Monica are experiencing major cancellations on both the rooms and events, with large groups pulling their business through February and into March; and

WHEREAS, these cancellations are causing a significant financial impact to many hotels and motels, some of which are struggling to manage their financial commitments; and

WHEREAS, the City's Revenue Division has received requests from multiple hotels requesting a 30-day extension for the Transient Occupancy Taxes ("TOT") and the Tourism Marketing District Assessment ("TMD"); and

WHEREAS, Section 6.68.050 of the Santa Monica Municipal Code requires the payment of TOT on the first business day of each month and imposes a penalty 10% if the TOT is not paid by the last day of the month; and

WHEREAS, the TMD is collected per occupied room per night at fixed rates depending on average daily rate; and

WHEREAS, the TMD assessments are collected at the same time and manner as the TOT pursuant to Streets and Highways Code Section 36631 and Resolution Number 11005 (CCS); and

WHEREAS, Santa Monica Travel and Tourism supports a 30 day extension for the TOT and TMD due for December 2024;

WHEREAS, the Regional Fires' destruction of homes and businesses has resulted in significant job losses, including jobs for lower income families and an estimated loss of up to 35,000 jobs held by Latinos alone; and

WHEREAS, these job losses will make it more difficult for lower income families to afford market rents without assistance from programs such as those administered by the Santa Monica Housing Authority or the City's Below Market Housing waitlist; and

WHEREAS, temporarily adjusting criteria for local preferences on the City's Below Market Housing waitlist and the Santa Monica Housing Authority's waitlist is in alignment with broader regional emergency efforts to assist those in need of housing as a result of the Regional Fires, without disturbing the longstanding priority for individuals who live or work in Santa Monica; and

WHEREAS, on January 31, 2025, the Executive Director of Emergency Services issued a First Supplement to the Executive Order to: 1) authorize schools with existing Conditional Use Permits in residential zones to expand to accommodate students from other campuses operated by the existing school displaced by the Regional Fires; 2) waive license fees for outdoor dining areas, sidewalk dining, parklets, and pier deck extended dining for the month of February 2025; 3) authorize the Finance Department to grant hotels and motels a 30-day extension for payment of Transient Occupancy Taxes and the Tourism Marketing District Assessment due for December 2024; and 4) expanding criteria

for Tier 1 priority on the City's below market housing waitlist for income-qualifying households impacted by the Regional Fires; and

WHEREAS, on February 25, 2025, the City Council adopted Resolution Number 11645 (CCS), ratifying the Executive Order, the Revised Executive Order, the Second Revised Executive Order, and the First Supplement to the Executive Order; and

WHEREAS, existing schools located in the City are continually receiving requests to accommodate students that were impacted by the Regional Fires; and

WHEREAS, permitting expansions of those existing schools to operate as a temporary use in the City's non-residential zones will allow for students displaced by the Regional Fires to continue their education; and

WHEREAS, the temporary suspension of enforcement of SMMC Chapter 6.20, Home-sharing and Vacation Rentals, as to hosting guests displaced by the Regional Fires pursuant to Section 3 of the Second Revised Executive Order expanded the number of temporary housing units available for rent for 30 days or less; and

WHEREAS, the need among persons displaced by the Regional Fires for short-term housing two months after the Regional Fires has substantially diminished, and is now being surpassed by the need for long-term and permanent housing for those persons who lost their homes in the Regional Fires; and

WHEREAS, the use of rental properties for short-term rentals for 30 days or less limits the supply of housing available for long-term rental to meet this need; and

WHEREAS, hosts and fire-displaced occupants of home-shares and vacation rentals are entitled to reasonable advance notice of when enforcement of the provisions of SMMC Chapter 6.20 will resume to facilitate compliance; and

WHEREAS, hotels and motels in Santa Monica continue to experience major cancellations on both rooms and events as a result of the Regional Fires; and

WHEREAS, expanding the opportunity for a 30-day extension for TOT and TMD due to any request filed with the City prior to April 30, 2025 will offer further support to the City's hotels and motels and assist with lessening financial burdens caused by the Regional Fires; and

WHEREAS, restaurants and other businesses that are licensed to serve alcoholic beverages have reported a continuing loss of revenue due to impacts of the Regional Fires in addition to the economic conditions existing before the Regional Fires, including, but not limited to, inflation and the continuing rise in operating costs; and

WHEREAS, a temporary suspension of enforcement of certain City regulations related to alcohol sales will provide opportunities for these businesses to recoup financial losses caused by the Regional Fires.

NOW, THEREFORE, I, Elaine Polachek, the Interim Director of Emergency Services for the City of Santa Monica, do hereby issue the following supplemental order to become effective immediately, subject to ratification by the Council as may be required by the Municipal Code.

IT HEREBY ORDERED THAT:

1. The Second Revised Executive Order shall continue in full force and effect, except as modified and supplemented by the First Supplement and this Second Supplement.

2. Section 1 of the Second Revised Executive Order as amended by the First Supplement to the Executive Order is hereby amended as follows:

Schools, as that term is defined by Santa Monica Municipal Code Section 9.51.030(A)(11), and Child Care and Early Education Facilities, as that term is defined by Santa Monica Municipal Code Section 9.51.030(A)(3) that were displaced by the Regional Fires or expansions to existing schools to accommodate students displaced by the Regional Fires may operate within the City's non-residential zones-as a temporary use without first obtaining a Conditional Use Permit or a Temporary Use Permit; in addition, small businesses, as that term is defined by the United States Small Business Administration at 13 CFR § 121.105, and nonprofit organizations, that were operating in Los Angeles County and have been impacted or displaced by the Regional Fires may operate within the City as a temporary permitted use without first obtaining a Temporary Use Permit. Schools with existing Conditional Use Permits in residential zones that are subject to occupancy limitations may expand to accommodate students from other campuses operated by the existing school displaced by the Regional Fires.

City Staff shall also prioritize any necessary permitting and inspections required, and strict adherence to building codes shall not be required on this temporary basis unless the provision directly affects health and safety; since it is the intent to accommodate those affected beyond the immediate fire emergency threat, City Staff are also directed to prepare and offer for Council approval solutions that would allow those schools, child care and early education facilities, small businesses and nonprofits displaced and temporarily relocating pursuant to this provision to remain for six to twelve months (or longer, as may be directed by Council) following their displacement.

3. Section 3 of the Second Revised Executive Order is hereby amended and shall read in its entirety as follows:

Enforcement of the provisions of Santa Monica Municipal Code Chapter 6.20, Home-Sharing and Vacation Rentals, as against persons who provide alternative accommodations within the City of Santa Monica to persons displaced by the Regional Fires is suspended through and including April 18, 2025; and enforcement of Santa Monica Municipal Code 6.22.050, 6.22.060, and 6.22.070, Residential Leasing Regulations, as against persons who (a) provide alternative accommodations within the City of Santa Monica to natural persons displaced by the Regional Fires and (b) sublease no more than one rental housing unit within the City, is suspended; since it is the intent to accommodate those affected beyond the immediate fire emergency threat, City Staff are also directed to prepare and offer for Council approval solutions that would allow those displaced to remain in their alternative accommodations, whether furnished or not, residence or not, including with a lease for a term less than one year to remain for six to twelve months (or longer, as may be directed by Council) following their displacement. This section does not provide a basis for a short-term rental host, home-sharing host, or landlord to do any of the following: (a) unilaterally terminate a short-term rental agreement, home-share agreement, or rental housing agreement before the end of the agreed upon rental period; (b) evict or otherwise compel a person who has established a tenancy to vacate a rental unit without judicial process; or (c) terminate a tenancy that is subject to Article XVIII or XXIII of the City Charter, or Section 1946.2 of the Civil Code, for a reason other than one provided by the applicable just cause eviction law. This section also does not require a short-term rental host, home-share host, or landlord to cease renting to a person occupying the rental unit on or before April 19, 2025, so long as the rental period is for at least 31 consecutive days.

4. Upon written request, made on or before April 30, 2025, of a hotel or motel subject to the TOT and TMD, and impacted by the regional fires, the Finance Department may grant a 30-day extension for the payment of TOT and TMD due.

5. Notwithstanding anything to the contrary in the Santa Monica Municipal Code or permits issued by the City of Santa Monica, enforcement of the following provisions of Santa Monica Municipal Code Sections 9.31.280, Restaurants, Limited-Service and Take-Out Only, and 9.31.290, Restaurants with Entertainment, and specific alcohol-related standards and conditions of approval established pursuant to any Alcohol Determination, Alcohol Exemption, or Conditional Use Permit entitlements, as applicable, are hereby suspended for businesses that: (1) have obtained and are operating under license to sell alcoholic beverages from the California Department of Alcoholic Beverage Control (ABC); and (2) have obtained and are operating under a Conditional Use Permit or Alcohol Exemption issued by the City of Santa Monica, or are operating as an existing alcohol outlet without a Conditional Use Permit pursuant to Section 9.31.040 of the Santa Monica Municipal Code, including, but not limited to, Eating and Drinking Establishments, as defined by Santa Monica Municipal Code Section 9.51.030(B)(8), and Commercial Entertainment and Recreation, Large Scale Facilities, as defined by Santa Monica Municipal Code Section 9.51.030(B)(7)(d), and Small Scale Facilities, as defined by Santa Monica Municipal Code Section 9.51.030(B)(7)(e):

- A. Restrictions on hours of operation and hours of alcohol service.
- B. Prohibitions against serving alcohol in any disposable container such as disposable plastic or paper cups, except for special events.
- C. Limitations on percentage of total gross revenues per year from alcohol sales.

D. Limitations on the number of 3 television screens including video projectors or similar audio/visual devices permitted to be utilized on the premises, including limitations on size of screens.

E. Prohibitions against providing billiard/pool tables, video or amusement games, bowling, darts, and other similar entertainment activities.

F. Prohibitions against liquor bottle service, including provisions limiting wine and beer bottle service unless full meal service is provided concurrent with the bottle service, and requirements that all food items shall be available from the full service menu. For purposes of this provision, bottle service shall mean the service of any full bottle of liquor, wine, or beer of more than 375 ml, along with glass ware, mixers, garnishes, etc., in which patrons are able to then make their own drinks or pour their own wine or beer.

G. Prohibitions against establishments, except for special events, organizing or participating in organized "pub-crawl" events where participants or customers pre-purchase tickets or tokens to be exchanged for alcoholic beverages at the restaurant.

H. Requirements that, if a counter service area is provided, food service shall be available at all hours the counter is open for patrons and the counter area shall not function as a separate bar area.

I. Requirements that the primary use of any outdoor dining area shall be for seated meal service and that patrons who are standing in the outdoor seating area shall not be served.

J. For Restaurants, Full Service, as defined by Santa Monica Municipal Code Section 9.51.030(B)(8)(b), and Restaurants, Limited-Service and Take-Out, as defined by Santa Monica Municipal Code Section 9.51.030(B)(8)(c):

1. Limitations on the number of indoor or outdoor seats; and

2. Requirements that the primary use of the premises shall be for sit-down meal service to patrons.


K. For Restaurants with Entertainment subject to the provisions of Santa Monica Municipal Code Section 9.31.290, requirements that:

- 1. There is sit down meal service provided at all times while the entertainment is taking place;
- 2. The entertainment is provided only in the dining areas; and
- 3. There is no cover charge or minimum drink purchase requirement.


The provisions of this Section 5 of this Second Supplement shall terminate on April 30, 2025 at 11:59 p.m., unless extended or expressly superseded by a further order of the Director of Emergency Services.

ADOPTED this 20th day of March 2025.

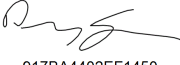
ATTEST:

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NIKIMA NEWSOME
 City Clerk
 3/20/2025

Signed by:

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 By: _____
ELAINE POLACHEK
 Interim City Manager
 Interim Director of Emergency
 Services
 3/20/2025

APPROVED AS TO FORM:

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DOUGLAS SLOAN
 City Attorney
 3/20/2025