



# Council Agenda Report

To: Mayor Farrer and the Honorable Members of the City Council

Prepared by: Lisa Soghor, Assistant City Manager

Approved by: Reva Feldman, City Manager

Date prepared: May 13, 2020 Meeting date: May 26, 2020

Subject: Waiving Fees Related to the Rebuilding of Structures Damaged or Destroyed by the Woolsey Fire

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**RECOMMENDED ACTION:** Provide direction to staff on what documents are required from residents to waive certain fees related to the rebuilding of structures that were damaged or destroyed by the Woolsey Fire on a property

**FISCAL IMPACT:** To date, approximately \$2.1 million of fees have been refunded or waived. Staff previously estimated that there was an additional \$700,000 of eligible fees for refund that had yet to be claimed and expected fee waivers for the remainder of the fiscal year would result in an additional \$1.4 million in waived fees. The projection of refunded and waived fees for Fiscal Year 2019-2020 had been approximately \$4.2 million. If the Council revises the criteria, it is unknown how many other properties could request a refund and what that fiscal impact will be.

**WORK PLAN:** This item was included as item 2a in the Adopted Work Plan for Fiscal Year 2019-2020.

**DISCUSSION:** On June 24, 2019, the Council adopted Resolution No.19-30 waiving permit fees in Fiscal Year 2019-2020 for like-for-like and like-for-like plus 10% Woolsey Fire primary residence rebuilding. The Council also approved the refunding of any of these permit fees paid in Fiscal Year 2018-2019.

On February 24, 2020, the Council adopted Resolution No. 20-10 rescinding Resolution No. 19-30 and waiving permit fees for any application for primary residences at the time of the Woolsey Fire of like-for-like or like-for-like plus 10% received by June 30, 2020 as long as building permits have been issued prior to December 31, 2020.

Section D of Resolution No. 20-10 states:

“Property owners requesting a waiver of fees must demonstrate primary residency with an active voter registration, a valid driver’s license or other government-issued identification card with the address of the property that was destroyed by the Woolsey Fire acceptable to the City Manager and file an affidavit with the City on the form specified by the City Manager.”

On May 11, 2020, the Council, by consensus, asked that staff return with an item that allows for an exception to the requirements of Section D of Resolution 20-10.

At this time, staff is seeking direction from the Council on what criteria should be used to establish primary residency at the time of the Woolsey Fire. Once that direction is provided, staff will develop a revised resolution and present it to Council for consideration.

Currently, approximately \$2.1 million of fees have been refunded or waived. Staff previously estimated that there was an additional \$700,000 of eligible fees for refund that had yet to be claimed and expected fee waivers for the remainder of the fiscal year would result in an additional \$1.4 million in waived fees. The projection of refunded and waived fees for Fiscal Year 2019-2020 had been approximately \$4.2 million. If the Council revises the criteria, it is unknown how many other properties could request a refund and what that fiscal impact will be.

ATTACHMENT: Resolution No. 20-10

## RESOLUTION NO. 20-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU SUPERSEDING AND REPLACING RESOLUTION NO. 19-30; DIRECTING THE CITY MANAGER TO WAIVE CERTAIN FEES RELATED TO THE REBUILDING OF STRUCTURES THAT WERE DAMAGED OR DESTROYED BY THE WOOLSEY FIRE ON A PROPERTY USED AS A PRIMARY RESIDENCE; AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does hereby find, order and resolve as follows:

### SECTION 1. Recitals.

- A. The 2018 Woolsey Fire destroyed at least 488 single-family homes in Malibu.
- B. In the public interest of encouraging the rebuilding of homes in the City that were lost in the Woolsey Fire, the City desires to waive certain planning and building permit fees related to the rebuilding structures that were damaged or destroyed by the Woolsey Fire.
- C. The waiving of fees will only be applicable to owners of properties that are being rebuilt as a like-for-like or like-for-like plus 10% rebuild and were used as a primary residence by such owners as of November 8, 2018.
- D. Property owners requesting a waiver of fees must demonstrate primary residency with an active voter registration, a valid driver's license or other government-issued identification card with the address of the property that was destroyed by the Woolsey Fire acceptable to the City Manager and file an affidavit with the City on the form specified by the City Manager.
- E. Building permits eligible for fee waiver shall include grading, foundation, building, plumbing, mechanical, electrical and Onsite Wastewater Treatment System (OWTS) permits.
- F. The City cannot waive permit fees required by other agencies including, but not limited to, the County of Los Angeles and the State of California.
- G. On June 24, 2019, the City Council adopted Resolution No. 19-30 authorizing the waiving of fees from November 8, 2018 through June 30, 2020. The City Council now desires to modify and replace Resolution No. 19-30 as herein described.

### SECTION 2. Action.

The recitals above are adopted and, based thereon, the City Council directs the City Manager to waive the necessary planning and building permit fees for projects rebuilding a like-for-like or like-for-like plus 10% structures that were damaged or destroyed by the Woolsey Fire where the property owner demonstrates to the satisfaction of the City Manager that the property was used as the primary residence by the property owner on November 8, 2018, subject to the following requirements and limitations:

- (1) an application for waiver is received by June 30, 2020,
- (2) all required Planning Department applications for the project are deemed complete by June 30, 2020,
- (3) all required building permits are pulled by December 30, 2020 (fees will have to be paid for any building permit pulled after December 30, 2020, before it will be issued),
- (4) in no case shall any fees be waived after December 30, 2020, and
- (5) fee waivers are not transferable. If a waiver is obtained, a Certificate of Occupancy will only be issued to the property owner who filed the affidavit establishing primary residence at the time of the Woolsey Fire with the City. All fees that were waived must be paid to the City before a Certificate of Occupancy will be issued to an owner other than the one listed on the fee waiver.

This resolution supersedes and replaces Resolution 19-30.

SECTION 3. Environmental Review.

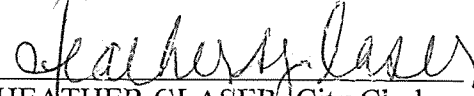
The Council finds that the adoption and implementation of this resolution is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment, section 15064(e) which exempts purely economic regulations, and Public Resources Code Section 21080(b)(4) regarding actions to mitigate or prevent an emergency.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 24<sup>th</sup> day of February 2020.

  
KAREN FARRER, Mayor

ATTEST:

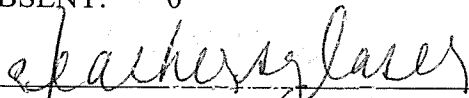
  
HEATHER GLASER, City Clerk  
(seal)

APPROVED AS TO FORM:

  
CHRISTI HOGIN, City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-10 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 24<sup>th</sup> day of February 2020 by the following vote:

AYES: 5 Councilmembers: Mullen, Peak, Wagner, Pierson, Farrer  
NOES: 0  
ABSTAIN: 0  
ABSENT: 0

  
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HEATHER GLASER, City Clerk  
(seal)