



# Council Agenda Report

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

Prepared by: Mary Linden, Executive Assistant

Approved by: Reva Feldman, City Manager

Date prepared: May 28, 2020 Meeting date: June 8, 2020

Subject: Extension of Woolsey Fire Fee Waiver Deadlines (Councilmember Peak)

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**RECOMMENDED ACTION:** At the request of Councilmember Peak, consider whether to extend the fee waiver deadlines for residents rebuilding property damaged or destroyed by the Woolsey Fire.

**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 Fiscal Year 2019-2020 would result in an additional \$1.4 million in waived fees.

The total projection of refunded and waived fees since the Woolsey Fire is approximately \$4.2 million. If the Council revises the criteria, it is unknown how many other properties could request a refund and what additional fiscal impact that will be.

**WORK PLAN:** This item was not included in the Adopted Work Plan for Fiscal Year 2019-2020. This project is part of normal staff operations.

**DISCUSSION:** On February 24, 2020, the City Council adopted Resolution No. 20-10 (attached) clarifying requirements for the waiving of fees for rebuilding property that was destroyed or damaged by the Woolsey Fire. Among other requirements, the Resolution listed specific deadlines that must be met for a property owner to qualify for a fee waiver, including that an application for the fee waiver must be submitted by June 30, 2020, and all required building permits must be pulled by December 30, 2020.

Councilmember Peak is requesting that the Council consider extending those fee waiver deadlines to aid property owners having difficulty meeting the June 30, 2020 deadline due

to circumstances beyond their control, including but not limited to issues between homeowners and insurance carriers or issues related to the COVID-19 pandemic.

Should the Council agree to extend the deadlines, staff will bring back a resolution with the new deadlines for Council adoption at the June 22, 2020 Regular meeting.

ATTACHMENTS: 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.

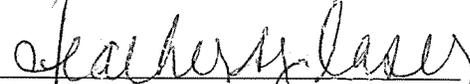
The Council finds that the adoption and implementation of this resolution is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant 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.

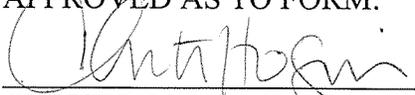
PASSED, APPROVED, and ADOPTED this 24<sup>th</sup> day of February 2020.

  
KAREN FARRER, Mayor

ATTEST:

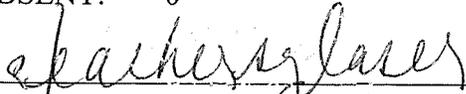
  
HEATHER GLASER, City Clerk  
(seal)

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)