



# Council Agenda Report

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

Prepared by: Lisa Soghor, Assistant City Manager

Approved by: Steve McClary, Interim City Manager

Date prepared: October 19, 2021 Meeting date: November 8, 2021

Subject: Woolsey Fire Fee Waiver Program

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**RECOMMENDED ACTION:** Adopt Resolution No. 21-62 superseding and replacing Resolution No. 21-10, 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.

**FISCAL IMPACT:** To date, the City has waived or refunded approximately \$5.04 million in fees associated with the Woolsey Fire. The Adopted Budget for Fiscal Year 2021-2022 includes sufficient funding for the consultant services required to assist all remaining Woolsey Fire property owners and is not reliant on revenue from permit fees.

City staff monitors any changes in ownership prior to issuing certificates of occupancy. The City recovers fees previously waived for properties that have changed ownership since the time of the fire and are no longer eligible for the fee waiver program.

**WORK PLAN:** This item was included as item 2a in the Adopted Work Plan for Fiscal Year 2021-2022.

**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 to clarify and extend the fee waiver program. Resolution No. 20-10 established that all fees for the rebuilding of like-for-like and like-for-like plus 10% Woolsey Fire primary residence would be waived so long as the homeowner was in compliance with certain requirements namely that the application for fee waiver is received by June 30, 2020, all required Planning Department

applications for the project are deemed complete by June 30, 2020, and all required building permits are pulled by December 30, 2020.

In June 2020, in response to concerns raised from homeowners whose efforts to rebuild and meet the fee waiver deadlines have been negatively impacted by ongoing insurance claims, the COVID-19 pandemic and other circumstances beyond their control, Council directed staff to draft a resolution to extend the fee waiver deadlines by six months.

On June 22, 2020, the Council adopted Resolution No. 20-32 to supersede and replace Resolution 20-10 to extend the fee waiver deadlines for eligible rebuild projects and clarify that all fees associated with post-approval revisions to the project's Planning Department approval or building permit issuance will be charged in accordance the City's Adopted Fee Schedule.

On February 22, 2021, City Council directed staff to return with a resolution extending the fee waiver deadlines in Resolution No. 20-32 by one year.

On March 22, 2021, the Council adopted Resolution No. 21-10 to supersede and replace Resolution No. 20-32 extending the fee waiver deadlines.

On August 23, 2021, the Council discussed the fee waiver program and directed staff to return with a resolution that 1) extends the Woolsey Fire fee waiver program deadlines by an additional 18 months; and 2) modifies the program to require all planning and building permit fees to be paid if the property owner submits an application for additional square footage beyond the initial 10% increase before receiving a Certificate of Occupancy.

Resolution No. 21-62 extends the fee waiver deadlines for eligible rebuild projects as follows:

- The application for waiver must be received by June 30, 2023.
- All required Planning Department applications for the projects must be deemed complete by June 30, 2023.
- All required building permits must be pulled by December 30, 2023.

The resolution contains a provision modifying the program to require all waived fees payable to the City if a property owner submits an application for additional square footage beyond the 10% prior to receiving a Certificate of Occupancy.

ATTACHMENTS: City Council Resolution No. 21-62

## RESOLUTION NO. 21-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU SUPERSEDING AND REPLACING RESOLUTION NO. 21-10; 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.
- H. On February 24, 2020, the City Council adopted Resolution No. 20-10 authorizing the waiving of certain fees from November 8, 2018 through December 30, 2020.
- I. On June 22, 2020, the City Council adopted Resolution No. 20-32 authorizing the waiving of certain fees from November 8, 2018 through June 30, 2021.
- J. On March 22, 2021, the City Council adopted Resolution No. 21-10 authorizing the waiving of 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 as of November 8, 2018. The City Council now desires to modify and replace Resolution No. 21-10 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, 2023.
- (2) all required Planning Department applications for the project are deemed complete by June 30, 2023.
- (3) all required building permits are pulled by December 30, 2023 (fees will have to be paid for any building permit pulled after December 30, 2023, before it will be issued.
- (4) all fees associated with post-approval revisions to the project's Planning Department approval or building permit issuance will be charged in accordance the City's Adopted Fee Schedule.
- (5) in no case shall any fees be waived after December 30, 2023.
- (6) 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.
- (7) any waived fees must be refunded to the City if additional square footage beyond the initial 10% is sought before a Certificate of Occupancy is issued for the project. Upon submittal of an application for additional square footage beyond the initial 10% increase, all fees previously waived must be refunded, and a Certificate of Occupancy will not be issued until all waived fees have been refunded. If the application for additional square footage is withdrawn before a Certificate of Occupancy is issued the waived fees need not be refunded.

This resolution supersedes and replaces Resolution 21-10.

### 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 8th day of November 2021.

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PAUL GRISANTI, Mayor

ATTEST:

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KELSEY PETTIJOHN, City Clerk  
(seal)

APPROVED AS TO FORM:  
THIS DOCUMENT HAS BEEN REVIEWED  
BY THE CITY ATTORNEY'S OFFICE  

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JOHN COTTI, Interim City Attorney