
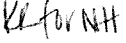



REPORT TO CITY COUNCIL

DATE: JANUARY 9, 2019

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER 

BY: NATHAN HAMBURGER, ASSISTANT CITY MANAGER 
DOUG HOOPER, PLANNING DIRECTOR 

SUBJECT: DISCUSSION REGARDING POSSIBLE URGENCY MEASURES FOR EXPEDITING THE WOOLSEY FIRE RECONSTRUCTION PROCESS WITHIN THE CITY

The purpose of this agenda item is to provide the City Council an opportunity to: 1) discuss possible urgency measures for expediting the Woolsey Fire reconstruction process within the City; 2) share with staff any recommendations they feel may need to be addressed through this process; and, 3) provide direction to staff on whether to return with an urgency ordinance and fee waiver/reduction resolution for consideration and adoption at a future City Council meeting.

In November 2018, the Woolsey Fire caused the unfortunate loss of nine (9) single-family homes in Agoura Hills. These homes were located in the Morrison Ranch Estates (2 homes), Fountainwood (3 homes), Old Agoura (3 homes), and Liberty Canyon (1 home) neighborhoods. Based on inspections and information gathered to date, approximately 14 additional residential properties experienced structural damage or loss of accessory structures. Due to the destruction wrought by the Woolsey Fire, staff is seeking the City Council's comments and direction regarding possible options the City can take to facilitate the reconstruction of residential structures destroyed or damaged by the fire, in order to assist those property owners and remedy their housing instability. The City Council is being asked to consider offering a streamlined process, and possible exceptions to certain development standards and fees, for granting entitlements and issuing permits for rebuilding destroyed or damaged residential structures.

To date, staff and the City Fire Recovery Consultant contacted and met with eight (8) of the nine (9) property owners who lost their homes, as well as one (1) property who had accessory structures that were destroyed or damaged. These property owners were informed of the next steps to be taken in the clean-up and recovery process, and they were informed of this City Council meeting agenda item. Staff also met informally during the last two months with other owners who had structural damage on their property.

On December 17, 2018, the Land Use/Economic Development Committee ("LU/EDC") met with staff to discuss possible options for expediting the reconstruction building permit review process for homeowners who suffered structural loss or damage due to the fire.

Topics of discussion included: 1) The plan review and permit process; 2) Fees for plan review and building permits; 3) Temporary recreational vehicle housing; and, 4) Storage containers. To facilitate that discussion, staff gathered information from the County of Ventura and the City of Ventura on their recovery process from the Thomas Fire. Information was also gathered from the City of Calabasas on their recovery process from the Woolsey Fire.

Staff is now seeking input on possible concessions, including possible fee waivers, the City Council may wish to grant during the project permit review process for the subject residential properties. The questions for discussion related to these topics are listed below and include the LU/EDC's recommendations:

I. Plan Review and Permit Process

1. Should the City waive discretionary review for the reconstruction of new homes and applicable accessory structures, and, instead, allow the Planning Director discretion to review to review and approve the homes?

Construction of new single-family homes requires review and approval by the Planning Commission, allowing for a public hearing to be held for each request. If the Planning Director is allowed to review the fire-related building plans with discretionary review for general compliance with the previous home design and permits, the property owners could, potentially, apply for a building permit within a matter of days instead of months following the review process. The LU/EDC supports allowing the Planning Director discretion to approve new homes and structural repair for fire-damaged properties, without public notification, if the structures are generally of the same size, footprint, style (or architecturally compatible with the neighborhood), height (or lower height), in the same location as existed prior to the fire, and do not exceed the pre-existing building lot coverage on the lot. The LU/EDC also supported allowing non-conforming yards (building setback distance from property lines) to remain for the new homes. The Building Official and City Engineer are asking property owners who lost their home to conduct a property survey prior to removal of their house foundation.

Thresholds for public notification of proposed new homes are discussed in Question No. 3 below. Of the four neighborhoods where homes were lost in the fire, Morrison Ranch Estates is the only Homeowners Association that has CC&Rs pertaining to residential construction. The two affected property owners in Morrison Ranch Estates, as well as those with fire damaged homes, would still potentially be subject to their own CC&R requirements, which are not enforced by the City. One (1) home in Old Agoura that was destroyed by the fire was in construction and has active building permit plans with which to continue reconstruction.

The LU-EDC also recommended the Building and Safety Department process all fire-related building permit applications through an expedited plan check process that is currently available. In addition, emergency-related projects, including reconstruction of fire damaged homes, are exempt from the requirements of the California Environmental Quality Act.

A waiver from the Planning Commission's discretionary review permit process requirement will require the City Council's approval of an urgency ordinance by at least a 4/5 vote.

2. If the City Council desires to adopt an urgency ordinance to expedite the building permit review process, when should the urgency ordinance expire?

The LU/EDC recommends an urgency ordinance for expedited building permit review be approved for a two-year period from the date of adoption, which would likely allow sufficient time for homeowners to obtain required building permits prior to the next Building Code update. An urgency ordinance would not apply to the length of time a homeowner has to complete construction, as that is monitored by completion of City inspections made during construction.

3. Should the City allow for reconstructed homes to exceed the size of the home when it was destroyed, or architectural modifications?

The City Council may wish to consider allowing for a modest increase in size for home reconstruction, which was a common request of residents in Ventura County and the City of Ventura after the Thomas Fire. The City of Ventura recognizes that their reconstruction regulations may, in specific instances, create an undue hardship or prevent reasonable improvements from being made to a property. Therefore, their Community Development Director was given the authority to approve modifications to certain limited issues. The City of Ventura allowed modifications to be approved at a public hearing by the Community Development Director, or his/her designee for:

- A. Expansion of a structure above 10%, to a maximum of 25% of the destroyed residence floor area. No expansion shall result in the creation of a nonconforming setback or lot coverage where the destroyed residence conformed.
- B. For one-story primary residence: increase of height up to a maximum 19 feet.
- C. For a two-story residence: increase of height by no more than 5%, not to exceed 1.5 feet beyond the tallest pre-existing ridgeline.

The City of Calabasas passed an urgency ordinance for the rebuilding of conforming and nonconforming structures. Their streamlined process includes the following standards for reconstruction:

- A. Rebuild as previously existed: zoning clearance from Planning Department and building permit as required by the Building Code.
- B. Rebuild with an increase not to exceed 20%: zoning clearance from Planning Department and building permit as required by the Building Code.
- C. Rebuild with an increase between 20% and 50%: administrative plan review from the Planning Department and building permit as required by the Building Code.
- D. Rebuild with an increase of more than 50%: site plan review from the Planning Department and building permit as required by the Building Code.

The LU/EDC supports imposing the following standards for reconstruction permit review:

- A. Rebuild as previously existed: Planning Director's discretion without public notification, and expedited building permit per current Building Code requirements.
- B. Rebuild with an increase not to exceed 10%: Planning Director's discretion without public notification, and expedited building permit per current Building Code requirements.
- C. Rebuild with an increase up to 30% and no Variance request: Planning Director's discretion with public notification, and expedited building permit per current Building Code requirements.
- D. Rebuild with an increase greater than 30% or Variance request: Planning Commission's discretion and, if approved, expedited building permit per current Building Code requirements.

If the City Council allows reconstructed homes to exceed the size of the home when it was destroyed, the Planning Director would review the building permit plans for architectural compatibility with the neighborhood. Also, the Planning Director's decisions could be appealed to the Planning Commission. The City Council has the ability, however, to waive the notification requirements, if desired and as recommended by the LU/EDC in certain circumstances.

4. Can the building permit be extended for the lost home that was under construction on Lapworth Drive, in Old Agoura?

Staff is uncertain of the needed time for reconstruction of this residence. The LU/EDC recommends the Building Official grant an extension of the existing permits as he/she deems appropriate.

II. Plan Review and Permit Fees

1. Should the City waive permit fees, or reduce permit fees, for reconstruction of lost homes and damaged homes?

Permit fees are typically covered by homeowner's insurance for damaged structures, although staff was informed of one lost home that was apparently uninsured. To assist the City Council on whether to consider waiving permit fees, staff obtained the following reconstruction permit fee waiver actions taken by the City of Calabasas for the Woolsey Fire, and the County of Ventura for the Thomas, Woolsey and Hill Fires. The City of Ventura did not waive reconstruction permit fees for the Thomas Fire.

City of Calabasas permit fee waivers

- A. All Planning Department fees for all land use entitlement permit applications for residential and nonresidential structures.

County of Ventura permit fee waivers

- A. Permits for temporary dwellings on properties with structures destroyed or substantially damaged by the fires where the fire debris has been properly disposed of;
- B. Permits for recreational vehicles occupied by individuals who lost their dwellings, and when the recreational vehicles are located on off-site properties where structures were not destroyed or substantially damaged, and if authorized in writing by the property owner; and
- C. Permits, including expedited plan check review, for rebuilding structures destroyed or substantially damaged by the fires that were previously permitted or legally non-conforming and where the fire debris has been properly disposed of.

Planning Fees

- A. Temporary dwelling during construction
- B. Tree permits

Building and Safety Fees

- A. Demolition permit
- B. Application fee
- C. Permit issuance fee
- D. Temporary Power Pole
- E. Building sewer/mobile home sewer
- F. Water pipe connection
- G. Reconnection of Gas Service
- H. General Plan Surcharge
- I. Technology Surcharge

Environmental Health Fee

- A. Full certification with on-site verification
- B. Certification, no on-site verification
- C. Conventional onsite wastewater treatment system application

Possible Agoura Hills permit fee waivers

If the City Council wishes to approve permit fee waivers, or reduce permit fees, such action would need to be approved by resolution. The following list of required City permits currently applies for residential construction. The following fee estimates are based per residence.

Building and Safety Permit Fee Estimates (per residence, based on estimated 2,500 sq. ft. size)

- A. Complete Reconstruction
 - Plan check: \$2,600
 - Expedited plan check: \$3,900
 - Building permit \$2,400

B. Re-roof only (2,000 sq. ft. estimate):	\$200
C. Minor structure repairs:	Based on scope of damage
D. Demolition Permit:	\$170
E. State Fees	
- SMIP	\$34
- SB 1473 (Access Improvements)	\$11
F. Technology Surcharge	\$330
G. Permit issuance	\$30
H. Temporary Power Pole	\$92
I. Sewer connect, water pipes, gas lines	\$92 min. each
J. School Fee (for additional sq. ft. only)	\$3.79 per sq. ft.

Public Works Fees

A. Grading Permit	\$922 plan check fee, plus \$433 permit fee, plus deposit equal to 1.5 times c.y. of cut or fill, whichever is higher)
B. Encroachment Permit (motorhomes/storage containers):	\$82
C. Traffic Fee (can be waived as replacement)	\$3,094 per residence

Construction Waste Fee

A. 40 cubic yard container for min. removal:	\$185 - \$650, plus landfill fee
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Planning Fee Estimates (per residence, based on estimated 2,500 sq. ft. size):

A. Complete Reconstruction (SPR Review):	\$11,447
B. Temporary Use Permit for RVs/motorhomes (see discussion below):	\$438
C. Plan check:	\$68
D. Oak Tree Permits (Emergency fee already waived)	\$0
E. General Plan Update Fee (for additional sq. ft. only)	\$1.41 per \$1,000 of valuation

The LU/EDC recommends the following fee waivers and reductions for reconstructed homes be considered by the City Council:

- A. Waive all Planning Department fees.
- B. Reduce all Building Department fees by 30% (excluding State fees and District fees, unless other waived or reduced by the State or District).
- C. Waive Building Department fee for expedited plan check.
- D. Waive Public Works Department traffic fee (can be waived as replacement construction).

Staff is requesting direction from the City Council as to whether the Public Works Department fees for grading and encroachment permits should be waived or reduced. These fees were not discussed by the LU/EDC.

2. If fees are waived or reduced by the City Council, when should the allowance expire?

The LU/EDC recommends a fee waiver or reduction, if approved by the City Council, expire in two years to correspond with the time staff is recommending for the expedited permit review process.

3. Should a fee waiver or reduction apply to repairs made to partially damaged homes, and damaged or lost accessory structures?

The LU/EDC recommends reducing Planning Department and Building and Safety Department fees by 50% for partially damaged homes, and damaged or lost accessory structures. If the City Council were to waive or reduce fees for repairs to these structures, staff would need to retroactively refund the permit fees for homeowners who have already applied for a building permit. To date, only one of the 14 homeowners with partially damaged homes, or damaged or lost accessory structures has obtained a building permit.

III. Temporary Recreational Vehicle Housing

1. Should the City allow for temporary recreational vehicle housing?

Recreational vehicles or motorhomes are currently allowed during construction with a Temporary Use Permit issued by the Planning Department. Governor Brown signed an Executive Order in November 2018, allowing, for a three-year period, the placement and use of a manufactured home, mobilehome, or recreational vehicle on a private lot for use during the reconstruction of a home that was damaged or destroyed by the wildfires. This Order does not preclude the City from establishing rules or guidelines for recreational vehicle housing. For the Thomas Fire, the City of Ventura allowed for temporary recreational vehicle housing with the following rules:

- A. Applies to eligible persons displaced by the fire.
- B. The RV must be placed on the parcel.
- C. Defines the type of eligible vehicle.
- D. Requires electrical and water hook-ups
- E. Requires approved wastewater removal
- F. Sets time frame (4 years)

To date, one (1) homeowner who lost a home, and one (1) tenant of a damaged home, have requested to have temporary recreational vehicle housing. Seven (7) homeowners who lost a home informed staff that they are not currently interested in temporary recreational vehicle housing.

In compliance with the Governor's Executive Order, the LU/EDC supports allowing temporary recreational vehicle housing for displaced residents during reconstruction, with the following standards:

- A. Subject to the issuance of a Temporary Use Permit, one (1) recreational vehicle may be used only during the time of construction, not to exceed three (3) years. The Planning Director may grant an extension if he/she determines the owner making progress on the construction.
- B. The recreational vehicle must be in good condition.
- C. The recreational vehicle may be placed on-site, or in the street if approved by the Public Works Director. (The LU/EDC expressed concerns with recreation vehicles parked in the street regarding traffic access, lines-of-sight for motorists, and utility hook-ups.)
- D. The recreational vehicle may be parked off-site, on residential property or commercial property, with approval of the property owner. Such locations shall be approved and monitored by the Planning Department, and may be revoked or amended by the Planning Director as deemed necessary.
- E. Notification of requests for temporary recreational vehicle housing shall be given to the applicable Homeowners Association.
- F. Ancillary outdoor uses related to temporary recreational vehicle housing may be approved by the Planning Director. Such outdoor uses may include, but are not limited to, the following: a table, chairs, limited lighting, a canopy, and recreational equipment. (Staff recommends outdoor uses be prohibited if the recreational vehicle is placed on commercial property.)
- G. The recreational vehicle shall be removed when the house construction is completed. (Staff recommends the vehicle be removed within one week after issuance of occupancy.)

IV. Temporary Storage Containers

1. Should temporary storage containers be allowed?

The City allows construction debris containers to be located on private property. However, staff has received inquiries on whether storage containers can be allowed on private property, as well as in the street. The Planning Department considers storage containers as accessory structures on residential property, and allows them to be located on developable areas of the lot. If they do not have footings, no building permit is required. As a policy, the Public Works Department does not permit storage containers in the public right-of-way given the difficulty of removing them if needed.

The LU/EDC recommends allowing for placement of a construction storage container for reconstruction purposes, during the time of construction, with the following standards:

- A. The container shall be located on-site.
- B. If the lot cannot accommodate a storage container, as determined by staff, the container may be located in the street for a maximum two-week period, unless

otherwise extended by the Public Works Director. The location of the storage container in the street shall be approved by the Public Works Department.

- C. (Staff recommends on-site storage containers be approved through a Temporary Use Permit issued by the Planning Department. Containers located in the street would be subject to issuance of an Encroachment Permit by the Public Works Department.)

Staff welcomes the City Council's feedback and direction regarding the proposed measures for expediting the Woolsey Fire reconstruction process.

RECOMMENDATION

Staff respectfully requests the City Council to: 1) discuss possible urgency measures for expediting the Woolsey Fire reconstruction process within the City; 2) share with staff any recommendations they feel may need to be addressed through this process; and, 3) provide direction to staff on whether to return with an urgency ordinance and fee waiver/reduction resolution for consideration and adoption at a future City Council meeting.