




REPORT TO CITY COUNCIL

DATE: FEBRARY 27, 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: ADOPTION OF URGENCY ORDINANCE NO. 19-442U, ESTABLISHING EXPEDITED PERMITTING FOR RESIDENTIAL PROPERTIES AND STRUCTURES DESTROYED OR DAMAGED BY THE WOOLSEY FIRE, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CASE NO. ZOA-01593-2019) (CITY OF AGOURA HILLS, APPLICANT)

Staff is requesting the City Council read by title only and adopt Urgency Ordinance No. 19-442U. The City is the applicant for this Urgency Ordinance (Case No. ZOA-01593-2019), which establishes expedited permitting for residential properties and structures destroyed or damaged by the Woolsey Fire.

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, 36 additional residential properties experienced structural damage or loss of accessory structures.

On January 9, 2019, the City Council discussed possible urgency measures for expediting the Woolsey Fire reconstruction process within the City. Councilmembers Anstead and Weber were absent from the meeting. The City Council shared recommendations for adopting a streamlined reconstruction process, and exceptions to certain development standards and fees for granting entitlements and issuing permits, for rebuilding destroyed or damaged residential structures.

The attached Urgency Ordinance addresses the topics previously discussed by the City Council, including: 1) The permitting process for rebuilding destroyed residential structures (ref. Section 7 of the Urgency Ordinance); 2) The permitting process for rebuilding damaged residential and ancillary structures (ref. Section 8 of the Urgency Ordinance); 3) Temporary Recreational Vehicle Housing (ref. Section 11 of the Urgency Ordinance); 4) Temporary Storage Containers (ref. Section 12 of the Urgency Ordinance); and 5) Fee waivers and reductions (ref. Section 14 of the Urgency Ordinance). The Urgency Ordinance would remain in effect for a two-year period, expiring on February 27, 2021.

Staff is requesting the City Council find that the adoption of the Ordinance is an urgency measure necessary for the immediate preservation of the public's health, safety and welfare, based on the following findings included in the Urgency Ordinance:

- Government Code Section 36937, subdivision (b) empowers the City Council to adopt an ordinance that takes effect immediately for the immediate preservation of the public peace, health or safety, with a declaration of the facts constituting the urgency.
- The Woolsey Fire destroyed and damaged a number of homes in Agoura Hills, and over 600 total structures in nearby portions of Los Angeles and Ventura Counties, displacing many residents in the City and surrounding communities.
- The destruction wrought by the Woolsey Fire has exacerbated the existing housing shortage in Agoura Hills and Los Angeles County, both reducing the number of available homes for residents and exacerbating the ability of persons living in Agoura Hills who have been displaced by the Woolsey Fire to relocate to other housing.
- This Ordinance is intended to facilitate the reconstruction of residential and ancillary structures damaged or destroyed by the Woolsey Fire to secure the public peace and remedy the housing instability caused by the Woolsey Fire.
- This Ordinance creates a streamlined process for granting entitlements for rebuilding damaged or destroyed conforming structures.
- This Ordinance also creates a streamlined process and exceptions to certain existing Agoura Hills Municipal Code standards by allowing damaged or destroyed legal non-conforming structures to be rebuilt within their existing setbacks and without exacerbating existing legal nonconformities.
- The City Council concludes that it is essential that this Ordinance be effective immediately to mitigate the current housing crises aggravated by the Woolsey Fire.

The Urgency Ordinance would take effect immediately upon passage and adoption if passed and adopted by at least four-fifths (4/5) vote of the City Council, pursuant to Government Code Section 36937(b).

Pursuant to the California Environmental Quality Act ("CEQA"), and the City's local CEQA Guidelines, staff has determined that this Ordinance ("the project") is exempt from review under the CEQA, as this Ordinance governs repair and reconstruction of structures damaged and destroyed by a wildfire in a local, state, and federally declared disaster area. Accordingly, under the provisions of Public Resources Code Section 21080(b)(3) regarding repair, restoration, demolition, or replacement of property or facilities damaged or destroyed as a result of a disaster in an area for which a state of emergency has been proclaimed by the Governor, and CEQA Guidelines Section 15269(a), the adoption of this

Ordinance is not subject to the requirements of the CEQA. Staff concludes that it can be seen with certainty that the proposed Urgency Ordinance is exempt from CEQA.

RECOMMENDATION

Staff respectfully recommends the City Council read by title only and adopt Urgency Ordinance No. 19-443U, establishing expedited permitting for residential properties and structures destroyed or damaged by the Woolsey Fire, and making a finding of exemption under the California Environmental Quality Act.

Attachment: Urgency Ordinance No. 19-442U

ORDINANCE NO. 19-442U

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ESTABLISHING EXPEDITED PERMITTING FOR RESIDENTIAL PROPERTIES AND STRUCTURES DESTROYED OR DAMAGED BY THE WOOLSEY FIRE, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, on November 8, 2018, a fire ignited near the Santa Susana Field Laboratory in the Santa Susana Mountains above Simi Valley, California, and came to be known as the Woolsey Fire; and

WHEREAS, on November 8, 2018, the City Manager, as Director of Emergency Services of the City of Agoura Hills, proclaimed a local emergency because the Woolsey Fire had created conditions of extreme peril to the safety of persons and property within the City and the City Council was not then in session; and

WHEREAS, on November 9, 2018, Acting Governor Gavin Newsom declared a state of emergency in Los Angeles and Ventura Counties; and

WHEREAS, on November 13, 2018, federal officials formally declared the Woolsey Fire, and a contemporaneous fire in Northern California, a public health emergency; and

WHEREAS, on December 12, 2018, the City Council ratified and confirmed the City Manager's proclamation of a local emergency.

WHEREAS, carried by the Santa Ana winds, the Woolsey Fire quickly spread to neighboring jurisdictions, including the City of Agoura Hills; and

WHEREAS, the Woolsey Fire resulted in a number of deaths and injuries and the destruction of hundreds of homes; and

WHEREAS, the Woolsey Fire has displaced many Agoura Hills residents, further worsening Los Angeles County's existing housing crises; and

WHEREAS, this Ordinance is intended to facilitate the reconstruction of those residential and their ancillary structures damaged by the Woolsey Fire to allow for the speedy recovery of the City's residents.

NOW, THEREFORE, the City Council of the City of Agoura Hills hereby ordains as follows:

SECTION 1. The City Council of the City of Agoura Hills hereby finds and determines that all of the above Recitals are true and correct and incorporates such Recitals into this Ordinance as if fully set forth herein.

SECTION 2. CEQA Finding.

Pursuant to the California Environmental Quality Act ("CEQA"), and the City's local CEQA Guidelines, City staff has determined that this Ordinance ("the project") is exempt from review under the CEQA, as this Ordinance governs repair and reconstruction of structures damaged and destroyed by a wildlife in a local, state, and federally declared disaster area. Accordingly, under the provisions of Public Resources Code Section 21080(b)(3) regarding repair, restoration, demolition, or replacement of property or facilities damaged or destroyed as a result of a disaster in an area for which a state of emergency has been proclaimed by the Governor, and CEQA Guidelines Section 15269(a), the adoption of this ordinance is not subject to the requirements of the CEQA. The City Council has reviewed the project, and based upon the whole record before it, in the exercise of its independent judgment and analysis, finds that City staff has correctly concluded that it can be seen with certainty that the proposed Ordinance is exempt from CEQA.

SECTION 3. Findings and Declaration of Urgency.

This Ordinance is hereby declared to be an urgency measure necessary for the immediate preservation of the public's health, safety and welfare, based on the recitals and findings in this Ordinance:

A. Government Code Section 36937, subdivision (b) empowers the City Council to adopt an ordinance that takes effect immediately for the immediate preservation of the public peace, health or safety, with a declaration of the facts constituting the urgency.

B. The Woolsey Fire destroyed and damaged a number of homes in Agoura Hills, and over 600 total structures in nearby portions of Los Angeles and Ventura Counties, displacing many residents in the City and surrounding communities.

C. The destruction wrought by the Woolsey Fire has exacerbated the existing housing shortage in Agoura Hills and Los Angeles County, both reducing the number of available homes for residents and exacerbating the ability of persons living in Agoura Hills who have been displaced by the Woolsey Fire to relocate to other housing.

D. This Ordinance is intended to facilitate the reconstruction of residential and ancillary structures damaged or destroyed by the Woolsey Fire to secure the public peace and remedy the housing instability caused by the Woolsey Fire.

E. This Ordinance creates a streamlined process for granting entitlements for rebuilding damaged or destroyed conforming structures.

F. This Ordinance also creates a streamlined process and exceptions to certain existing Agoura Hills Municipal Code standards by allowing damaged or destroyed legal non-conforming structures to be rebuilt within their existing setbacks and without exacerbating existing legal nonconformities.

G. The City Council concludes that it is essential that this Ordinance be effective immediately to mitigate the current housing crises aggravated by the Woolsey Fire.

SECTION 4. Applicability.

This Ordinance shall apply only to those residential and ancillary structures within the Agoura Hills city limits that are being reconstructed or repaired pursuant to damage caused by the Woolsey Fire, included in Exhibit A, and as determined by the Building Official. This Ordinance does not apply to any commercial structures that may have been damaged or destroyed by the Woolsey Fire. This Ordinance shall regulate rebuilding and reconstruction of existing residential and ancillary structures destroyed or damaged by the Woolsey Fire, in addition to and in replacement of conflicting provisions of the underlying primary zoning district and Agoura Hills Municipal Code. Where a conflict exists between this Ordinance and the Agoura Hills Municipal Code, this Ordinance shall take precedence unless otherwise stated herein. This Ordinance does not authorize any land use on any residential property impacted by the Woolsey Fire that is not currently permitted by the Agoura Hills Municipal Code, with the sole exception that a legal non-conforming land use that existed on a residential property impacted by the Woolsey Fire Overlay Zone may be allowed to continue by approval of a zoning clearance from the Planning Department, if reinstated within six (6) months of the issuance of a Certificate of Occupancy or similar final approval for the rebuilt destroyed or damaged structure.

SECTION 5. Term of this Ordinance.

This Urgency Ordinance shall take effect immediately upon passage and adoption by at least a four-fifths vote of the City Council pursuant to California Government Code Section 36937, subdivision (b). The Ordinance shall remain in effect until February 27, 2021, unless otherwise modified or extended by the City Council. Any planning or building permit application filed after February 27, 2021 shall be subject to the zoning regulations of the underlying zone then in effect without exception, with all deviations therefrom requiring a use permit, variance, or other authorization following standard land use procedures dictated by the Municipal Code and City rules and policies.

SECTION 6. Variance Enforcement.

Any variances previously approved under Article IX (Zoning) of the Agoura Hills Municipal Code applicable to previously approved residential and ancillary structures impacted by the Woolsey Fire will remain in effect and apply to rebuilt or repaired structures following any reconstruction authorized by the Agoura Hills Municipal Code.

SECTION 7. Rebuilding Destroyed Residential Structures.

Notwithstanding any conflicting portion of the Agoura Hills Municipal Code, residential structures that were destroyed by the Woolsey Fire and that were legal and conforming at the time of the Woolsey Fire may be rebuilt under the following rules and regulations:

- A. Rebuilding a destroyed legal residential structure as it previously existed, or with an increase in building size not to exceed ten percent (10%) of the previous building size, shall be subject to review and approval by the Planning Director without public notification.
- B. Rebuilding a destroyed legal residential structure with an increase in building size between eleven percent (11%) and twenty-five percent (25%) of the previous building size, shall be subject to review and approval by the Planning Director with required public notification given.
- C. Rebuilding a destroyed legal residential structure with an increase in building size exceeding twenty-five percent (25%) of the previous building size, shall be subject to review and approval by the Planning Commission in a noticed public hearing.
- D. Previous, legal non-conforming zoning development standards may be maintained for the reconstructed residences.
- E. The Planning Director or Planning Commission shall review the proposed building plans for compliance with the Site Plan/Architectural Review findings of Agoura Hills Municipal Code Sections 9677.5 and 9677.7.G.
- F. A building permit shall be required for construction and plans shall meet current Building Code requirements.
- G. Applications for land use entitlement, building permit plan check review, and building permit issuance shall be expedited.
- H. The City Council shall consider any appeal of the Planning Director's decision or Planning Commission's decision, subject to the filing of an appeal application and payment of required appeal fees within fifteen (15) days from the date of the decision.

SECTION 8. Rebuilding Damaged Residential and Ancillary Structures.

Notwithstanding any conflicting portion of the Agoura Hills Municipal Code, residential structures and detached ancillary structures that were damaged by the Woolsey Fire and that were legal and conforming at the time of the Woolsey Fire may be rebuilt under the following rules and regulations:

- A. Rebuilding a damaged legal residential structure or detached ancillary structure as it previously existed, with no increase in size, shall be subject to review and approval by the Planning Director without required public notification.
- B. Rebuilding a damaged legal residential structure or detached structure with an increase in size shall be subject to the Agoura Hills Municipal Code development and entitlement standards of the underlying zoning land use district.
- C. Previous, legal non-conforming building standards may be maintained for the reconstructed residences.
- D. The Planning Director or Planning Commission shall review the proposed building plans for architectural compatibility with the neighborhood.
- E. A building permit shall be required for construction and plans shall meet current Building Code requirements.

- F. Applications for land use entitlement, building permit plan check review, and building permit issuance shall be expedited.
- G. The City Council shall consider any appeal of the Planning Director's decision or Planning Commission's decision, subject to the filing of an appeal application and payment of required appeal fees within fifteen (15) days from the date of the decision.

SECTION 9. Building Square-Footage.

For purposes of this Ordinance, the previously existing building square-footage for a residential structure within the Woolsey Fire Overlay Zone shall be the sum of all habitable areas and attached garages on all floors of a structure included within the outside faces of its exterior walls, excluding detached garages and any other non-habitable areas or additional, as determined by the Building Official's and Planning Director's review of the City's records, applicable County records, the records of the Los Angeles County Assessor for the property, and available records from the property owner, which may include insurance, purchase, and permitting records. The Building and Safety Department and Planning Department are directed to evaluate each residential structure destroyed by the Woolsey Fire and document each property's previously existing square footage, building footprint, and setbacks. Using this information, the Planning Director and Building Official have the discretion to evaluate all available records for each property and determine the applicable square footage of the previously existing structure or structures as existed before damage or destruction by the Woolsey Fire. The Building Official's determination shall be final.

SECTION 10. Legal Non-Conforming Uses.

Any legal non-conforming land use that existed on a property within the Woolsey Fire Overlay Zone at the time of the Woolsey Fire, may be resumed on that property by approval of a zoning clearance from the Planning Department, if the prior legal non-conforming land use is reinstated within six (6) months of issuance of a certificate of occupancy or similar final approval for the rebuilt destroyed or damaged structure.

SECTION 11. Temporary Recreational Vehicle Housing.

Subject to the following standards, temporary recreational vehicle housing is allowed for property owners whose residence was destroyed by the Woolsey Fire:

- A. Subject to the issuance of a Temporary Use Permit by the Planning Director, one (1) recreational vehicle may be placed on the lot on which the destroyed residence is located for a maximum six (6)-month period. The Planning Director may grant an extension if he/she determines the property owner is making reasonable progress on the construction of a new residence.
- B. The recreational vehicle must be in good condition.
- C. The recreational vehicle shall be placed on-site if the Planning Director first deems the site suitable, and the property has been deemed cleaned and certified for use as determined by the City Building Official. The recreational

vehicle may be placed 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.

- D. The recreational vehicle may be considered to be placed temporarily in the street only due to temporary extenuating circumstances related to the construction of the replacement residence and all other permissible options are infeasible. Requests to temporarily park the recreational vehicle in the street shall be subject to an Encroachment Permit, and review and approval by the Public Works Director, with consideration taken for maintaining traffic access, lines-of-sight for motorists, and utility hook-ups. A recreational vehicle shall not be placed in the street more than three (3) months.
- E. Notification of requests for temporary recreational vehicle housing shall be given to the applicable Homeowners Association.
- F. The Planning Director may approve temporary outdoor ancillary uses related to temporary recreational vehicle housing. Such outdoor uses may include, but are not limited to, the following: a table, chairs, limited lighting, a canopy, and ancillary equipment. Outdoor uses shall be prohibited if the recreational vehicle is placed on commercial property.
- G. Generators used for recreational vehicle housing shall be subject to review and approval by the Planning Department. No more than one (1) generator per recreational vehicle may be considered. The placement, hours of use, and noise levels are subject to the discretion of the Planning Director, with consideration to be taken to reduce noise impacts to surrounding neighbors. In no instance shall generators be used during the hours of 7:00 p.m. to 7:00 a.m.
- H. Applications for temporary power related to the use of a recreational vehicle is subject to review and approval by the Building Official, and shall only be considered for the duration in which the recreational vehicle is approved.
- I. The recreational vehicle shall be removed from the property by the expiration date of the Temporary Use Permit issuance, or within one (1) week after issuance of occupancy for the residence, whichever occurs first.

SECTION 12. Temporary Storage Containers.

Subject to the following standards, a temporary storage container is allowed for property owners whose residence was destroyed or damaged by the Woolsey Fire:

- A. Subject to the issuance of a Temporary Use Permit by the Planning Director, and after the property has been deemed cleaned and certified for use as determined by the City Building Official, one (1) storage container may be located on the lot on which the destroyed or damaged residence is located for a maximum three (3)-month period. The Planning Director may grant an extension if he/she determines the property owner is making progress on the construction of the residence.
- B. The storage container shall be located on-site in a location approved by the Planning Director.

- C. If the property cannot accommodate a storage container as determined by the Planning Director, the container may be temporarily located in the street for a maximum two (2)-week period upon approval of an Encroachment Permit from the City Public Works Department, unless otherwise extended by the Public Works Director. The location of the storage container in the street shall be subject to approval by the Public Works Director.
- D. The storage container shall be removed from the property by the expiration date of the Temporary Use Permit issuance, or within one (1) week after issuance of occupancy for the residence, whichever occurs first.

SECTION 13. Planning Director's and Building Official's Discretion.

Any matters necessary to be resolved to render a decision on an application for rebuilding or repairing a residential and ancillary structure damaged or destroyed by the Woolsey Fire that are not addressed by this Ordinance or the underlying zoning code are subject to the discretion of the Planning Director and Building Official.

SECTION 14. Fees.

A. During the term of the Ordinance, the City Planning Department fees are waived for all land use entitlement permit applications for residential structures determined by the Building Official to be damaged or destroyed by the Woolsey Fire.

B. During the term of this Ordinance the City Building and Safety Department fees, excluding required State and District fees unless other waived or reduced by the State or District, are reduced by thirty percent (30%) for all plan check review applications and building permits for residential property and structures determined by the Building Official to be damaged or destroyed by the Woolsey Fire. Building and Safety Department expedited plan check review fees are waived for residential structures damaged or destroyed by the Woolsey Fire.

C. During the term of this Ordinance the City Public Works/Engineering fees, excluding required State and District fees unless other waived or reduced by the State or District, are reduced by thirty percent (30%) for all permit applications and inspections for residential property and structures determined by the Building Official to be damaged or destroyed by the Woolsey Fire. Encroachment permit fees for debris removal are waived. Traffic impact fees are waived for the reconstruction of residences destroyed by the Woolsey Fire.

SECTION 15. Severability Clause.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or circumstances, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council declares that it

would have adopted each section, subsections, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 16. Effective Date.

This Ordinance shall take effect immediately upon passage and adoption if passed and adopted by at least four-fifths vote of the City Council pursuant to California Government Code Section 36937(b).

SECTION 17. Certification.

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause its publication in accordance with applicable law.

PASSED, APPROVED, AND ADOPTED this 27th day of February, 2019, by the following vote to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Linda L. Northrup, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney

EXHIBIT A

Property Address of Destroyed Residential Structures

28617 Acacia Glen Street
28623 Acacia Glen Street
28629 Acacia Glen Street
5861 Ridgebrook Drive
5856 Stonecrest Drive
27555 Endeavor Street
5738 Colodny Drive
6027 Lapworth Drive
6105 Lapworth Drive

Property Addresses of Damaged Residential and Ancillary Structures

28611 Eagleton Street	28626 Acacia Glen Street
28634 Acacia Glen Street	5723 Toth Place
28637 Acacia Glen Street	5754 Colodny Drive
28643 Acacia Glen Street	28617 Acacia Glen Street
28619 Bamfield Drive	5656 Colodny Drive
5920 Carell Avenue	5738 Colodny Drive
5926 Carell Avenue	
5930 Carell Avenue	
5402 Chesebro Road	
6171 Fairview Place	
5740 Colodny Drive	
5676 Colodny Drive	
6144 Chesebro Road	
5879 Ridgebrook Drive	
29789 Kimberly Drive	
27601 Endeavor Street	
6500 Chesebro Road	
5508 Colodny Drive	
5524 Fairview Place	
6425 Chesebro Road	
6441 Chesebro Road	
6093 Lake Lindero Drive	
5656 Colodny Drive	
5794 Chesebro Road	
6144 Chesebro Road	
5733 Carell Avenue	
6274 Timberlane Street	
5773 Stonecrest Drive	
28611 Bamfield Drive	
28613 Bamfield Drive	