



**CITY of CALABASAS**

**CITY COUNCIL AGENDA REPORT**

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**DATE:           OCTOBER 3, 2022**

**TO:               HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM:           MICHAEL KLEIN, COMMUNITY DEVELOPMENT DIRECTOR** *MAK*

**SUBJECT:       CONSIDERATION OF ORDINANCE NO. 2022-399-U, AN URGENCY  
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS,  
CALIFORNIA EXTENDING THE DURATION OF THE WOOLSEY FIRE  
OVERLAY ZONE.**

**MEETING       OCTOBER 12, 2022  
DATE:**

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**SUMMARY RECOMMENDATION:**

That the Council consider adopting Ordinance No. 2022-399-U, approving an Urgency Ordinance to extend the duration of the Woolsey Fire Overlay Zone.

**BACKGROUND:**

On November 28, 2018, the City Council adopted Ordinance No. 2018-372-U, approving an urgency Ordinance to establish a temporary Woolsey Fire Overlay Zone. The Woolsey Fire is one of the most devastating fires in the City's history. In addition to burning thousands of acres, damaging numerous City facilities and public infrastructure, the Woolsey Fire caused significant damage to private property. The purpose of the Woolsey Fire Overlay Zone is to provide the affected property owners with a streamlined entitlement process and relief from the City's legal nonconforming regulations. Although the Woolsey Fire Overlay Zone is going

to expire on December 31, 2022, there are still affected properties that have not been rebuilt.

**DISCUSSION/ANALYSIS:**

Section 17.62 of the Calabasas Municipal Code (CMC) requires approval of a Site Plan Review, subject to a public hearing with the Planning Commission, in order to construct a new single-family residence or commercial structure (whether or not said structure was damaged via a fire). Furthermore, Section 17.72 of the CMC stipulates that any reconstruction of more than 50% of a legal nonconforming structure shall meet all current development standards such as setbacks. As a result, the City’s regulations require a public hearing for each of the affected property owners to rebuild their homes, and the property owners would likely need a Variance in order to rebuild the same home they had before the fire. The purpose of the Woolsey Fire Overlay Zone is to provide the affected property owners with a streamlined entitlement process and relief from the City’s legal nonconforming regulations.

As stated above, the purpose of the Woolsey Fire Overlay Zone is to 1) create a streamlined process for Planning entitlements and Building and Safety permits to rebuild within the limits established by the Ordinance, and 2) create an exception to our CMC that allows legal nonconforming structures to be rebuilt with their existing setbacks. In order to accomplish the above purpose, the adopted Ordinance allows owners to rebuild up to 20% more square-footage than existed prior to the fire with a Zoning Clearance (ministerial permit with no public hearing), provided that the new house either meets applicable development standards or does not encroach into setbacks any more than prior to the fire. The adopted Ordinance requires approval of an Administrative Plan Review (Director decision at a Community Development Director public hearing) to rebuild 20-50% greater than what existed prior to fire and a Site Plan Review to rebuild 50% greater than what existed prior to the fire. In both cases, a Site Plan Review and Variance would be required if the proposed rebuild does not meet current development standards or increases an existing legal nonconforming aspect (see table below).

<b>Summary of Rebuild Process for Planning</b>		
<b>Structure Status</b>	<b>Rebuild Type</b>	<b>Permit Required</b>
Conforming	Same footprint	Zoning Clearance
	Varies from original configuration, but otherwise complies with the CMC development standards and does not increase the building square-footage by more than 20%	Zoning Clearance
	Varies from original configuration, but	Administrative

	otherwise complies with the CMC development standards and does not increase the building square-footage by more than 20%-50%	Plan Review
	Varies from original configuration, but otherwise complies with the CMC development standards but increases the building square-footage by more than 50%	Site Plan Review
	Does not comply with CMC standards	Site Plan Review and Variance
Legal Nonconforming	Same footprint	Zoning Clearance
	Varies from original configuration, but otherwise complies with the CMC development standards	Zoning Clearance
	Varies from original configuration, but otherwise complies with the CMC development standards, except for the previously existing legal nonconforming aspect, and does not increase the building square-footage by more than 20%	Zoning Clearance
	Varies from original configuration, but otherwise complies with the CMC development standards, except for the previously existing legal nonconforming aspect, and does not increase the building square-footage by more than 20%-50%	Administrative Plan Review
	Varies from original configuration, but otherwise complies with the CMC development standards, except for the previously existing legal nonconforming aspect, but increases the building square-footage by more than 50%	Site Plan Review
	Does not comply with CMC standards and increases an existing legal nonconforming aspect	Site Plan Review and Variance

The Woolsey Fire Overlay Zone also waives the requirement for an oak tree permit and report, provided that staff verifies that the proposed rebuild will not have a severe adverse impact on any living oak trees, waives the Zoning Clearance and Administrative Plan Review fees, allows prior approved Variances to continue, and allows legal nonconforming uses to continue as long as the use is re-established within 60 days of the issuance of a Certificate of Occupancy. Finally, the Woolsey

Fire Overlay Zone gives the Community Development Director the discretion to resolve matters that are not addressed by this Ordinance or the CMC.

As stated above, the Woolsey Fire Overlay Zone will expire on December 31, 2022, unless extended by the City Council. As a result, any property that has not yet been issued a permit to begin construction for a rebuild, will no longer benefit from the Woolsey Fire Overlay protections, and will be subject to current development standards and permitting process for a new home. Due to unforeseen circumstances, such as the Covid-19 pandemic resulting in labor and material shortages, several property owners faced unexpected delays and rising costs to rebuild their homes. In fact, five of the nine homes that were destroyed in the Woolsey Fire have not yet been rebuilt. As a result, staff recommends extending the Woolsey Fire Overlay zone for an additional three years.

**FISCAL IMPACT/SOURCE OF FUNDING:**

There is no direct cost to adopt the proposed Ordinance; however the Ordinance waives the Planning entitlement fees for a Zoning Clearance and Administrative Plan Review. As a result, the fee waiver would have an indirect cost of approximately \$5,000 of Planning staff time that would not be recovered by fee collection.

**REQUESTED ACTION:**

That the Council adopt Ordinance No. 2022-399-U, approving an urgency Ordinance to extend the duration of the Woolsey Fire Overlay Zone. If approved by a four-fifths vote of the Council, the Ordinance would go into effect immediately and remain in effect until December 31, 2025.

**ATTACHMENTS:**

- Attachment A: Ordinance No. 2022-399-U
- Attachment B: PowerPoint