

ORDINANCE NO. 2018-372-U

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF CALABASAS, CALIFORNIA ESTABLISHING
A TEMPORARY WOOLSEY FIRE OVERLAY ZONE.**

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 9, 2018, the City Manager, as Director of Emergency Services of the City of Calabasas, 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 November 15, 2018, the City Council ratified and confirmed the City Manager's proclamation of a local emergency, and

WHEREAS, carried by the Santa Ana winds, the Woolsey Fire quickly spread to neighboring cities, including the City of Calabasas; 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 Calabasas residents, further worsening Los Angeles County's existing housing crises; and

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

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS DOES
ORDAIN AS FOLLOWS:**

SECTION 1. Recitals:

The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are true and correct.

SECTION 2. Title:

This ordinance shall be known as the Woolsey Fire Overlay Zone Ordinance.

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 Calabasas, and over 600 structures total 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 Calabasas and Los Angeles County, both reducing the number of available homes for residents and exacerbating the ability of persons who live and work in the Calabasas and have been displaced by the Woolsey Fire to relocate to other housing.

D. This Ordinance is intended to facilitate the reconstruction of residential and non-residential 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 Calabasas 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:

The Woolsey Fire Overlay Zone Ordinance shall apply only to those structures within the Calabasas city limits that are being reconstructed or repaired pursuant to damage caused by the Woolsey Fire, as detailed in the list of parcels constituting the Woolsey Fire Overlay Zone, prepared by the Community Development Director and attached as Exhibit A and incorporated by reference as if set forth in full, and such additional parcels as may be determined by the Community Development Director to have been damaged or destroyed by the Woolsey Fire. This Ordinance does not apply to any signs that may have been damaged or destroyed by the Woolsey Fire. This Ordinance shall regulate rebuilding and reconstructed of existing structures destroyed or damaged by the Woolsey Fire in addition to and in replacement of conflicting provisions of the underlying primary zoning district and Calabasas Municipal Code. Where a conflict exists between this Ordinance and the Calabasas Municipal Code, this Ordinance shall take precedence unless otherwise stated herein. This Ordinance does not authorize any land use on any property within the Woolsey Fire Overlay Zone that is permitted by the Calabasas Municipal Code, with the sole exception that a legal non-conforming land use that existed on a property within the Woolsey Fire Overlay Zone may be allowed to continue by approval of a zoning clearance, if reinstated within six 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 December 31, 2022, unless otherwise modified or extended by the City Council. All building permits subject to the standards within this Ordinance must be issued by December 31, 2022, with the expectation that construction and repairs be diligently pursued and may continue under the terms of the building code and its provisions governing extensions of time for building permits. Any planning or building permit application filed on or after January 1, 2023 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. Oak Tree Permit Waiver:

Notwithstanding Calabasas Municipal Code Section 17.32.010, the requirement to obtain an oak tree permit in the Woolsey Fire Overlay Zone for reconstruction projects approved under the terms of this Ordinance is waived provided that a site inspection of the property by City staff and a decision by the

Community Development Director concludes that no living oak tree will be severely adversely impacted by the reconstruction authorized by this Chapter.

SECTION 7. Variance Enforcement:

Any variances approved under Calabasas Municipal Code Section 17.62.080 applicable to previously approved structures in the Woolsey Fire Overlay Zone will remain in effect and apply to rebuilt or repaired structures following any reconstruction authorized by this Chapter.

SECTION 8. Rebuilding Conforming Structures:

Notwithstanding any conflicting portion of the Calabasas Municipal Code, existing residential and non-residential structures within the Woolsey Fire Overlay Zone that were damaged or destroyed by the Woolsey Fire and that were legal and conforming at the time of the Woolsey Fire may be rebuilt or repaired under the following rules and regulations:

- Rebuilding a damaged or destroyed legal and conforming structure as it previously existed shall require the approval of a zoning clearance under Section 17.62.110 and building permits as required by the building code.
- Rebuilding a damaged or destroyed legal and conforming structure in a way that varies from the previously permitted configuration, but otherwise complies with the Calabasas Municipal Code and does not increase the building square-footage by more than 20% of the previously permitted square-footage, shall require the approval of a zoning clearance under Section 17.62.110 and building permits as required by the building code.
- Rebuilding a damaged or destroyed legal and conforming structure in a way that varies from the previously permitted configuration, but otherwise complies with the Calabasas Municipal Code, and increases the building square-footage by more than 20% and less than 50% of the previously permitted square-footage, shall require the approval of an administrative plan review under Section 17.62.090 and building permits as required by the building code.
- Rebuilding a damaged or destroyed legal and conforming structure in a way that varies from the previously permitted configuration, but otherwise complies with the Calabasas Municipal Code, and increases the building square-footage by more than 50% of the previously permitted square-footage, shall require the approval of a site plan review under Section 17.62.020 and building permits as required by the building code.

- Rebuilding a damaged or destroyed legal and conforming structure in a way that does not comply with the Calabasas Municipal Code shall require the approval of a variance under Section 17.62.080, an administrative plan review under Section 17.62.090, and building permits as required by the building code.

SECTION 9. Rebuilding Legal Non-Conforming Structures:

Notwithstanding any conflicting portion of the Calabasas Municipal Code, existing residential and non-residential structures within the Woolsey Fire Overlay Zone that were damaged or destroyed by the Woolsey Fire and that were legal non-conforming at the time of the Woolsey Fire may be rebuilt or repaired under the following rules and regulations:

- Rebuilding a damaged or destroyed legal non-conforming structure in a way that conforms to all code requirements of the underlying zone shall require the approval of a zoning clearance under Section 17.62.110 and building permits as required by the building code.
- Rebuilding a damaged or destroyed legal non-conforming structure as it previously existed shall require the approval of a zoning clearance under Section 17.62.110 and building permits as required by the building code.
- Rebuilding a damaged or destroyed legal non-conforming structure in a way that varies from the previously permitted configuration, otherwise complies with the Calabasas Municipal Code, except for the previously existing legal nonconforming aspect, and does not increase the building square-footage by more than 20% of the previously permitted square-footage, shall require the approval of a zoning clearance under Section 17.62.110 and building permits as required by the building code.
- Rebuilding a damaged or destroyed legal non-conforming structure in a way that varies from the previously permitted configuration, and otherwise complies with the Calabasas Municipal Code, except for the previously existing legal nonconforming aspect, but increases the building square-footage by more than 20% and less than 50% of the previously permitted square-footage, shall require the approval of an administrative plan review under Section 17.62.090 and building permits as required by the building code.
- Rebuilding a damaged or destroyed legal non-conforming structure in a way that varies from the previously permitted configuration, otherwise complies with the Calabasas Municipal Code, except for the previously existing legal nonconforming aspect, but increases the building square-footage by more than 50% of the previously permitted square-footage, shall require the approval of a site plan review under Section 17.62.020 and building permits as required by the building code.

- Rebuilding a damaged or destroyed legal non-conforming structure in a way that does not comply with the Calabasas Municipal Code, other than maintaining the previously existing legal nonconforming aspect, including any increase in the previously existing legal nonconforming aspect, shall require the approval of a variance under Section 17.62.080, a site plan review under Section 17.62.020, and building permits as required by the building code.

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, if the prior legal non-conforming land use is reinstated within six months of issuance of a certificate of occupancy or similar final approval for the rebuilt destroyed or damaged structure.

SECTION 11. Fees:

The City Planning Department fees associated with a zoning clearance or an administrative plan review are waived for all land use entitlement permit applications for residential and non-residential structures within the Woolsey Fire Overlay Zone for applications filed under the terms of this Ordinance.

SECTION 12. Building Square-Footage:

For purposes of this Ordinance, the previously existing building square-footage for a structure within the Woolsey Fire Overlay Zone shall be the sum of all habitable areas on all floors of a structure included within the outside faces of its exterior walls, excluding the garage and any other non-habitable areas or additional, as determined by the Community Development 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 is directed to evaluate each property within the Woolsey Fire Overlay Zone and document each property's previously existing square footage, building footprint, and setbacks. Using this information, the Community Development Director has 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 Community Development Director's determination shall be final.

SECTION 13. Community Development Director's Discretion:

Any matters necessary to be resolved to render a decision on an application for rebuilding or repairing a structure within the Woolsey Fire Overlay Zone damaged or destroyed by the Woolsey Fire which are not addressed by this Ordinance or the underlying zoning code are subject to the reasonable discretion of the Community Development Director.

SECTION 14. Severability Clause:

Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION 15. CEQA Finding:

The City Council hereby finds and determines that adoption of this Ordinance is exempt from review under the California Environmental Quality Act, 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 sections 21080, subdivision (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 Section 15269, subdivision (a) of Division 6 of Title 14 of the California Code of Regulations, the CEQA Guidelines, the adoption of this ordinance is not subject to the requirements of the California Environmental Quality Act.

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 the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED this 28th day of November, 2018.




Fred Gaines, Mayor

ATTEST:

APPROVED AS TO FORM:



Maricela Hernandez, MMC
City Clerk



Matthew T. Summers
Colantuono, Highsmith & Whatley, PC
Assistant City Attorney

Exhibit A

List of parcels constituting the Woolsey Fire Overlay Zone:

	Street	Address	APN	% damage	Zoning	Use
1	Adamor	26187	2052 026 025	80	RS	Single-Family
2	Adamor	26197	2052 026 024	100	RS	Single-Family
3	Agoura	26557	2064 002 035	40	CMU .6	Hotel
4	Esward	27005	2052 035 006	10	RS	Single-Family
5	Las Virgenes	4919	2064 001 022	75	CR	Trash Enclosure
6	Las Virgenes	4929 B	2064 001 023	40	CR	Car care
7	Las Virgenes	5922 #555 & #565	2052 003 032	25	RM .16	Apartment
8	Parkmor	5415	2052 019 046	25	RS	Single-Family
9	Parkmor	5421	2052 019 047	100	RS	Single-Family
10	Parkmor	5427	2052 019 048	100	RS	Single-Family
11	Parkmor	5433	2052 019 049	100	RS	Single-Family
12	Parkmor	5444	2052 020 010	100	RS	Single-Family
13	Parkmor	5450	2052 019 021	100	RS	Single-Family
14	Parkmor	5456	2052 019 047	100	RS	Single-Family
15	Parkmor	5460	2052 019 004	100	RS	Single-Family

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §
CITY OF CALABASAS)

I, **MARICELA HERNANDEZ, MMC**, City Clerk of the City of Calabasas, California, **DO HEREBY CERTIFY** that the foregoing ordinance, being **Ordinance No. 2018-372-U** was duly adopted and passed by the City Council of the City of Calabasas at a regular meeting held on the 28th day of November, 2018, by the following vote:

AYES: Mayor Gaines, Mayor pro Tem Shapiro, Councilmembers Bozajian, Maurer and Weintraub.

NOES: None.

ABSTAIN: None.

ABSENT: None.



Maricela Hernandez, MMC
City Clerk
City of Calabasas, California