

Office of the Los Angeles City Attorney  
Hydee Feldstein Soto

REPORT NO. R25-0318  
JUN 20 2025

**REPORT RE:**

**DRAFT ORDINANCE ADDING SECTION 98.0419.1 TO THE LOS ANGELES MUNICIPAL CODE TO WAIVE FEES IMPOSED IN CONNECTION WITH PERMITS TO REPAIR OR REBUILD BUILDINGS OR STRUCTURES DAMAGED OR DESTROYED BY THE WILDFIRES OF JANUARY 2025**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality, which would waive fees associated with the issuance of building permits for projects that repair or replace buildings or structures damaged or destroyed in the Palisades, Hurst, Kenneth, Archer, and Sunset Fires of January 2025 (Wildfires). The draft ordinance responds to the Mayor's Revised Emergency Executive Order No. 7, dated May 9, 2025 (Revised EO7) and, therefore, contains a retroactivity provision, an urgency clause, and considers the scope of fee waivers referenced by the City Council's (Council) February 19, 2025, Motion concerning post-Wildfires rebuilding (Motion). (Council File No. 25-0006-S57) For the urgency clause to take effect, the ordinance must be passed by no less than three-fourths of all Councilmembers. Charter §253.

### Summary of Ordinance and Options

On April 25, 2025, the Mayor issued Emergency Executive Order No. 7 (EO7), which requested the City alleviate the cost of rebuilding as an additional barrier that may hinder reconstruction. EO7 immediately suspended the collection of fees associated with building permits for single-family and duplex structures “while Council considers the adoption of an ordinance waiving the fees.” (EO7, Sec.1) Referencing the scope of a February 19, 2025, Council Motion (Motion) (Council File No. 25-0006-S57), EO7 requested this Office prepare and present a draft urgency ordinance that would waive plan check, permit, and arts fees for projects that repair or replace structures damaged or destroyed by the Wildfires. (EO7, Sec.2) The referenced Motion discussed the 1994 amendments to the Los Angeles Municipal Code (LAMC) in Ordinance Numbers 169,813 and 169,350 (Northridge Ordinances). The Northridge Ordinances codified in LAMC Section 98.0419 the waiver of “all fees” that the Department of Building and Safety (DBS) determined were required by Articles 1 through 8 of Chapter IX of the LAMC to repair earthquake damage or to demolish and/or rebuild a building, structure or portion thereof destroyed as a result of the Northridge Earthquake Local Emergency. LAMC §98.0419. Waived fees included “fire hydrant fees” as well as the development impact fee called the “arts fee” and did not include other eligibility restrictions on fee waivers.

On May 9, 2025, the Mayor issued Revised EO7, which makes clear that the suspension of the collection of fees applies only to those who owned the property at the time of the Wildfires, and expands the reach of the order to include “any structure that was damaged or destroyed” by the Wildfires where the owner of record on title as of January 7, 2025, seeks to repair or rebuild. As Revised EO7 did not limit properties eligible for fee waivers to those properties that meet the definition of “Eligible Project” as defined by the Mayor’s Emergency Executive Order No. 1 (i.e. rebuilt at 110% of damaged structure, in substantially the same location), the draft ordinance does not include any such limitation. Should the Council wish to further limit the scope of the draft ordinance, this Office will prepare and present a revised draft ordinance as appropriate.

As referenced by Revised EO7 and the Motion, the enclosed draft ordinance would: (1) apply to the repair or reconstruction of structures with the same owner of record as at the time of the Wildfires without reference to “Eligible Projects” as defined in Emergency Executive Order No. 1; (2) waive cost recovery fees related to administrative regulatory review associated with plan check, the issuance of building permits, along with the last action of the building permitting process which is the issuance of a certificate of occupancy (LAMC §91.109); and (3) waive development impact fees imposed by the City that are required for the issuance of a building permit and a certificate of occupancy. The draft ordinance does not include: (1) references to the “Studio City” and “Foothills” fires that were omitted from the list of fires in EO7, but were originally referenced in the Mayor’s Declaration of Local Emergency dated

January 13, 2025, (updated); and (2) the fees for Planning land use entitlements that are considered a separate approval from the plan check and permitting activities referenced by the Motion and Revised EO7.

The draft ordinance would also waive the following categories of fees in addition to those fees in Chapter IX of the LAMC charged for DBS to conduct plan check, issue a building permit, and issue a certificate of occupancy:

- (1) Fees outside of Chapter IX of the LAMC that are charged for regulatory review that are required parts of DBS plan check (issuance of a DBS building permit, issuance of a DBS certificate of occupancy), but are regulatory review conducted by departments other than DBS, such as the Los Angeles Fire Department (LAFD) fee for fire hydrant and access review (LAMC §57.116.1).
- (2) Fees for permits issued by other departments that are frequently necessary for rebuilding or repair, such as the permits for street and sidewalk repairs issued by the Department of Public Works (LAMC §§62.109 and 62.110).
- (3) Development impact fees required before the issuance of a DBS building permit or certificate of occupancy, such as the Arts Development Fee, Linkage Fee, and Park Fee (LAMC §§91.107.4.6, 91.107.4.7, 12.33, and 19.17).

The scope of the draft ordinance takes into consideration consultations with department staff and/or assigned counsel for DBS, Public Works Bureaus of Engineering, Sanitation, Street Services, Recreation and Parks, LAFD, Department of Transportation (DOT), City Planning, the Housing Department, and the Department of Water and Power (DWP). The draft ordinance would waive the plan check, permit and Arts Development fees analyzed by the Chief Administrative Officer's (CAO) May 7, 2025 report, and would also waive the Linkage Fee and Park Fee not analyzed in the CAO's report.

#### Charter Findings Not Required

The enclosed draft ordinance relates to regulations and activities already within the authority of DBS and other City departments, does not enact a new fee, and is not a land use ordinance. For this reason, this draft ordinance is not subject to recommendation by the City Planning Commission pursuant to Charter Section 558.

Special Notice Not Required

This ordinance does not impose any new fees. Consequently, special notice of its proposed adoption in accordance with the provisions of California Government Code Sections 66018 and 6062a is not necessary

CEQA Determination

This Office recommends that prior to the adoption of this draft ordinance the City Council determine that its action does not constitute a project under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15378(b), in that the action relates merely to administrative and organizational matters and the setting of policy and procedures that do not result in any direct or indirect change to the physical environment. If the City Council concurs, it may comply with CEQA by making this determination prior to or concurrent with its action on the ordinance.

Council Rule 38 Referral

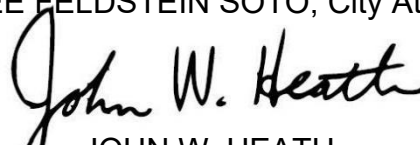
Pursuant to Council Rule 38, a copy of the draft ordinance was sent to DBS, Public Works Bureaus of Engineering, Sanitation, Street Services, Recreation and Parks, LAFD, DOT, City Planning, the Housing Department, and DWP, with a request that all comments, if any, be presented directly to the City Council at the time this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Donna Wong at (213) 978-8064 or Deputy City Attorney Kenneth T. Fong at (213) 978-8202. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By

  
JOHN W. HEATH  
Chief Assistant City Attorney

JH:DW:lr  
Transmittal