



# Council Agenda Report

City Council Meeting  
09-14-20

**Item  
6.A.**

To: Mayor Pierson and Honorable Members of the City Council

Prepared by: Bonnie Blue, Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: September 3, 2020 Meeting Date: September 14, 2020

Subject: Initiate Zoning Text Amendment Pertaining to Administrative Approval of Extensions for In-kind Disaster Rebuild Projects

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**RECOMMENDED ACTION:** 1) Adopt Resolution No. 20-49 initiating a zoning text amendment (ZTA) to Chapter 17.60.020 (Nonconforming Uses and Structures) of the Malibu Municipal Code (MMC) to eliminate the requirement for Planning Commission approval and instead allow administrative approval of extension requests by the Planning Director; 2) Direct the Planning Commission to schedule a public hearing regarding the same; 3) Direct staff whether to present the item for comment to the Zoning Ordinance Revision and Code Enforcement Subcommittee (ZORACES); and 4) Provide direction to staff on initiating an amendment to extend the deadlines to apply for in-kind disaster rebuild projects with a Planning Verification.

**FISCAL IMPACT:** There is no fiscal impact associated with the recommended action.

**WORK PLAN:** This project was included as Item 2a in the Adopted Work Plan for Fiscal Year 2020-2021.

**DISCUSSION:** In order to consider a change in the text of the Zoning Ordinance (MMC Title 17) on its own initiative, the Council must adopt a resolution of intention (see MMC Section 17.74.020). The resolution gives notice that the Council will consider a particular change and directs the Planning Commission to hold a public hearing and to make a recommendation.

Following the Woolsey Fire of November 9, 2018, the City amended MMC Chapter 17.60 (Nonconforming Structures) to facilitate a streamlined permitting process for rebuilding for fire victims. The amendments updated the Planning Verification process to allow a period of two years for fire victims to apply and four years to obtain a building permit to replace nonconforming structures in-kind in the same location on the site and at the same height, without having to bring them into conformance with current codes. The amendments

provide that extensions of the two- and four-year periods may be granted by the Planning Commission if the Commission finds, based on substantial evidence, that due to unusual circumstances, strict compliance with the two- or four-year time limit creates an undue hardship.

On August 24, 2020, the Council discussed delays that Woolsey Fire victims are experiencing in rebuilding their homes, or even initiating the process, such as difficulties resolving insurance claims and the impacts of the COVID-19 pandemic. Despite the streamlined process created by the code amendments, at this time, with the two-year anniversary of the fire less than two months away, only approximately 50 percent of destroyed homes have initiated the rebuilding process. It is expected that many property owners will seek an extension from the Planning Commission.

Action by the Planning Commission requires the extension request to be calendared for a public hearing. On August 24, 2020, the Council directed staff to initiate a ZTA that would make determinations on extension requests an administrative decision that could be made by the Planning Director.

In addition to recommending Council adopt the attached resolution to initiate the ZTA, staff requests direction on whether to refer the ZTA to ZORACES for recommendation, prior to scheduling the Planning Commission public hearing.

Finally, staff requests direction from Council on initiating a ZTA to extend the two- and four-year deadlines to apply for in-kind disaster rebuild projects with a Planning Verification.

STAFF FOLLOW-UP: If approved, staff will prepare an agenda report and proposed ordinance, including any environmental review required, submit to ZORACES (if directed), and notice the matter for a public hearing before the Planning Commission.

ATTACHMENT: Resolution No. 20-49

RESOLUTION NO. 20-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU INITIATING A ZONING TEXT AMENDMENT TO CHAPTER 17.60 (NONCONFORMING USES AND STRUCTURES) OF THE MALIBU MUNICIPAL CODE PERTAINING TO ELIMINATE THE REQUIREMENT FOR PLANNING COMMISSION APPROVAL AND INSTEAD ALLOW ADMINISTRATIVE APPROVAL OF EXTENSION REQUESTS BY THE PLANNING DIRECTOR

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Initiation.

Pursuant to Malibu Municipal Code (MMC) Chapter 17.74, the City Council hereby initiates an amendment to MMC Chapter 17.60 (Nonconforming Uses and Structures) pertaining to administrative approval of extensions for in-kind disaster rebuild projects.

SECTION 2. Planning Commission Hearing.

The Planning Commission is hereby directed to conduct a duly noticed public hearing in accordance with the provisions of MMC Chapter 17.74. Following the public hearing, the Planning Commission shall recommend to the City Council whether it should approve, modify or deny the proposed amendment. The Planning Commission's recommendation shall be made by resolution carried by the affirmative vote of not less than the majority of the entire Planning Commission.

SECTION 3. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED and ADOPTED this 14<sup>th</sup> day of September 2020.

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MIKKE PIERSON, Mayor

ATTEST:

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HEATHER GLASER, City Clerk  
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED  
BY THE CITY ATTORNEY'S OFFICE  
\_\_\_\_\_  
CHRISTI HOGIN, City Attorney