



# Council Agenda Report

To: Mayor Pierson and the Honorable Members of the City Council

Prepared by: Richard Mollica, Acting Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: November 10, 2020 Meeting date: November 23, 2020

Subject: Adoption of Amended Resolution Pertaining to the Deadlines to Initiate the Application Process for In-kind Disaster Rebuild Projects

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**RECOMMENDED ACTION:** Adopt Resolution No. 20-52A initiating a zoning text amendment to Chapter 17.60.020 of the Malibu Municipal Code (MMC) to add one year to the deadlines in Subsection (C) to initiate the application process and obtain building permits to rebuild a legal nonconforming structure that was damaged or destroyed pursuant to a planning verification.

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

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

**DISCUSSION:** On September 29, 2020, the Council adopted Resolution No. 20-52 initiating a code amendment to MMC Section 17.60.020 to add one year to the deadlines in Subsection (C) to initiate the application process and obtain building permits to rebuild a legal nonconforming structure that was damaged or destroyed by 2018 Woolsey Fire. However, an incorrect version of the resolution was inadvertently included in the September 29, 2020 agenda packet. Attached to this report is the amended resolution for adoption. Below is the correction to Section 1 (Initiation) made using ~~strikethrough~~/underlined.

Pursuant to ~~Malibu Municipal Code (MMC)~~ Chapter 17.74, the City Council hereby adopts this amended Resolution to initiates an amendment to MMC Chapter 17.60.020 (~~Nonconforming Uses and Structures~~) pertaining to ~~administrative approval of extensions for in-kind disaster rebuild projects.~~ the deadlines in Subsection (C) to initiate the

application process and obtain building permits to rebuild a legal nonconforming structure that was damaged or destroyed pursuant to a planning verification.

In addition to the changes to Section 1 of the resolution, Resolution No. 20-52A has been modified to include recitals and actions taken by the Planning Commission since September 29, 2020.

ATTACHMENT: Resolution No. 20-52A

RESOLUTION NO. 20-52A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU INITIATING A ZONING TEXT AMENDMENT TO CHAPTER 17.60.020 OF THE MALIBU MUNICIPAL CODE TO ADD ONE YEAR TO THE DEADLINES IN SUBSECTION (C) TO INITIATE THE APPLICATION PROCESS AND OBTAIN BUILDING PERMITS TO REBUILD A LEGAL NONCONFORMING STRUCTURE THAT WAS DAMAGED OR DESTROYED PURSUANT TO A PLANNING VERIFICATION

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

SECTION 1. Recitals.

A. On September 29, 2020, the City Council adopted Resolution No. 20-52 initiating a code amendment to Malibu Municipal Code (MMC) Section 17.60.020 to add one year to the deadlines in Subsection (C) to initiate the application process and obtain building permits to rebuild a legal nonconforming structure that was damaged or destroyed by 2018 Woolsey Fire. However, an incorrect version of the resolution was inadvertently included in the September 29, 2020 agenda packet and as such, an incorrect resolution was adopted.

B. The amended resolution is before the City Council for adoption to accurately reflect the Council's action made on September 29, 2020.

SECTION 1. Initiation.

Pursuant to MMC Chapter 17.74, the City Council hereby adopts this amended Resolution to initiate an amendment to MMC Chapter 17.60.020 pertaining to the deadlines in Subsection (C) to initiate the application process and obtain building permits to rebuild a legal nonconforming structure that was damaged or destroyed pursuant to a planning verification.

SECTION 2. Planning Commission Hearing.

On September 29, 2020, pursuant to the Council's action, the Planning Commission was directed to conduct a duly noticed public hearing to consider amending MMC Section 17.60.020 to add one year to the deadlines in Subsection (C), in accordance with the provisions of MMC Chapter 17.74. On November 2, 2020, the Planning Commission held a public hearing to make a recommendation to the City Council whether it should approve, modify or deny the proposed amendment. The Planning Commission's recommendation was memorialized in a resolution carried by the affirmative vote of not less than the majority of the entire Planning Commission. Said recommendation will be considered by the City Council at a public hearing.

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 23<sup>rd</sup> day of November 2020.

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MIKKE PIERSON, Mayor

ATTEST:

HEATHER GLASER, City Clerk  
(seal)

APPROVED AS TO FORM:

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