



Commission Agenda Report

Planning Commission
Meeting
01-18-22
**Item
7.B.**

To: Chair Hill and Members of the Planning Commission

Prepared by: Patricia Salazar, Senior Administrative Analyst

Approved by: Richard Mollica, Planning Director

Date prepared: January 6, 2022 Meeting Date: January 18, 2022

Subject: Extension-Woolsey Fire No. 21-005 – Extension of Time to Submit a Planning Verification for Nonconforming Structures and Uses Damaged or Destroyed in the Woolsey Fire

Location: 33505 Pacific Coast Highway
APN: 4473-003-003
Owner: Kotler Family Trust

RECOMMENDED ACTION: Consider an extension request to submit an application to rebuild a legal nonconforming structure that was damaged or destroyed in the Woolsey Fire and direct staff to come back with a resolution memorializing the Planning Commission’s action.

DISCUSSION: Malibu Municipal Code (MMC) Section 17.060.020(C) provides deadlines to initiate the planning application process, obtain building permits, and the total time allotted for an extension to rebuild a legal nonconforming structure that was damaged or destroyed in the Woolsey Fire.

MMC Section 17.60.020 (C) states the following:

Any structure described in subsection A of this section, may be remodeled, or may be reconstructed in the general location and to the same height as it existed prior to damage or destruction, subject to obtaining Planning Verification and provided that the application for the reconstruction is initiated with the City within three years of the date of damage or destruction, and a building permit is diligently pursued and obtained within five years from the date of damage or destruction and has not expired. A request for an extension of time to the three-year or five-year periods may be granted by the Planning Commission where it finds, based on substantial evidence, that due to unusual

circumstances, strict compliance with the three- or five-year limit creates an undue hardship. Extensions may not total more than six years. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

Subsection A of MMC Section 17.60.40 states “Any structure which was lawfully erected and which does not conform to the current design and development standards or lot development criteria of this title may be continuously maintained and shall be treated in all respects as though in full compliance with this title.”

At this time, the property owner is requesting an extension of time to submit a planning verification. The property owner’s basis for due cause is attached hereto. Staff recommends an extension of no less than two years to provide the property owner adequate time to submit a planning verification. If the owner requires additional time to obtain building permits by November 8, 2023, an additional time extension will be required.

ATTACHMENT: Time Extension Request Letter

Received

Nov 8, 2021

Planning Dept.

CITY OF MALIBU

11-8-2021
3:30 pm

My NAME IS Kirby Kotler and I LIVE AT 33505 PCH MALIBU, CALIF 90265. APN 4473-003-003.

My family and I were Adversely AFFECTED by the Woolsey fire and our home suffered SUBSTANTIAL DAMAGE. AS A RESULT,

We spent the first 3 1/2 months in Hotels and Rentals before our home was habitable enough to live there. We battled for 8 months with our Insurance Company and getting nothing but the full run around and having 85% of our claims denied. We ended up filing A bad faith law suit AGAINST our Insurer. We battled for over 2 years but our Lawyers finally got our Insurance Company to settle ALL our CLAIMS. We have only recently received our Settlement to pay for our repairs. Until such time, we did not have enough money to even begin the Repair/permit process.

We are very humbly requesting AN EXTENSION to now move forward, get our permits to repair our home and be whole once AGAIN.

Thank You very much in Advance please excuse my scribble, I Am rushed, stressed and today is A horrible reminder of the Woolsey being the 3rd year