



Commission Agenda Report

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

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. 21-008 – Extension of Time to Submit a Planning Verification for Nonconforming Structures and Uses Damaged or Destroyed in the Woolsey Fire

Location: 33012 Pacific Coast Highway
APN: 4473-018-006
Owner: Alford Children's Trust - 1992

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.”

The owner has submitted planning verifications to rebuild site improvements, the main residence, and a guest house and other site improvements. The applications for the site improvements and main residence have been approved but the guest house is still pending planning conformance review. The property owner is requesting a time extension should the application for the guest house need to be re-designed to comply with development standards. The property owner’s basis for due cause is attached hereto. Staff recommends an extension of no less than two years in order 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

Ryan Levis Architect, Inc.
24529 Deep Well Rd. Hidden Hills, CA
Ph. (808) 268-8475
E: ryan@ryanlevisarch.com



Date: November 4, 2021

VIA EMAIL

Received
Nov 8, 2021
Planning Dept.

Attn: Aakash Shah
Contract Planner
City of Malibu
(ashah@malibucity.org)
Planning General Mailbox
(mplanning@malibucity.org)
23825 Stuart Ranch Road, Malibu CA, 90265
Phone: (310) 456-2489

Re: PVWF Application Eligibility: **Formal Application for Extension**
33012 Pacific Coast Hwy.
Malibu, CA
90265

To Aakash and/or whom it may concern at the City of Malibu Planning Department,

This letter is for the purpose of formally requesting for an extension of the complete PVWF (Planning Verification Woolsey Fire) eligibility for the property noted above.

It has come to our understanding that the deadline for PVWF applications that may involve an element of 'existing non-conformance' (with respect to Planning and/or other Agency codes) is the 3 year anniversary of the Woolsey Fire on November 8th, 2021.

Our pursuit of PVWF approval for the totality of re-building of the subject property has suffered from delays not of our immediate control as follows:

1. We unfortunately hired an incompetent consultant Coastal Engineer who repeatedly promised to deliver on the required Coastal Engineering Report and who did not perform. We lost some months relying on her failed promises before finally terminating her services and finding another Coastal Engineer.
2. We were asked to bifurcate the project into 2 PVWFs - one for the main house and one for the beach house. This incurred delays in preparing associated documentation.
3. The Covid 19 Pandemic. This factor needs no explanation. The pandemic wreaked havoc across the board and resulted in significant delays in all aspects of the process.
4. The City of Malibu Coastal Engineering Consultant Reviewer took over 125 days to review our Coastal Engineering Report and issue review comments.
5. Other agency reviews have taken much longer than anticipated or expected.
6. The homeowners are still suffering from post traumatic stress disorder (PTSD) as a result of their losses in both property and personal memorabilia and belongings. This has caused delays in their ability to assist in the processes required to seek permits to rebuild.

We therefore hereby request an extension of the complete (non-conformities included) PVWF eligibility for the property noted above.

RYAN LEVIS ARCHITECT, INC. 24529 DEEP WELL ROAD, HIDDEN HILLS, CA 91302
TEL: 808-268-8475 •CA ARCHITECTS LIC. #C-34330 •HI ARCHITECTS LIC. #AR-13292

* Architecture, Planning, Interiors, Project Management *

Please do not hesitate to contact me regarding this matter. We look forward to hearing from you.

Thank you,

A handwritten signature in black ink, appearing to read "Ryan Levis". The signature is fluid and cursive, with the first name "Ryan" being more prominent than the last name "Levis".

Ryan James Levis A.I.A.
Principal RYAN LEVIS ARCHITECT INC.
California Architect's Board license # C34330