



# Commission Agenda Report

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

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. 21-009 – Extension of Time to Submit a Planning Verification for Nonconforming Structures and Uses Damaged or Destroyed in the Woolsey Fire

Location: 6234 Cavalleri Road  
APN: 4467-017-009  
Owner: Carla Bowman-Smith

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**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

**Aakash Shah**

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**From:** Carla Bowman-Smith [REDACTED]  
**Sent:** Monday, November 8, 2021 4:29 PM  
**To:** Aakash Shah  
**Subject:** Request for extension Non-Conforming in-kind rebuild Woolsey  
**Attachments:** PLN-WF-Time-Extension-Request (1).pdf; AffidavitofOwnership&Documents.pdf

Hello,

When we submitted a request for extension of fee waivers at the end of 2020, we were under the impression that we would soon to be settling with Edison, or at least our lawyer would have a guess of what funds, if any, would be available to add to our build budget as we were severely underinsured. We are somehow still at least a couple months away!

Our plan to rebuild our multiple 1960's permitted structures like-for-like was clearly going to cost 4-6times what we had (more as costs have risen), so having a real budget after Edison was/is pivotal in which main or guest house and what configuration we can rebuild, greatly pivoting on what funds would be available for driveway/retaining walls/turn around(over ravine) and utilities to those buildings.

We have come up with multiple configurations, but they all require more funding than we have. They all have some setback or location issues as they were, and giving up one or another would allow what remains to be reconfigured, but we still hope to rebuild all of our modest structures as close to what they were, budget allowing.

Please consider granting us a non-conforming in-kind rebuild extension.

Thank you for your consideration,