



Commission Agenda Report

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

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. 21-010 – Extension of Time to Submit a Planning Verification for Nonconforming Structures and Uses Damaged or Destroyed in the Woolsey Fire

Location: 5911 Bonsall Drive
APN: 4467-024-005
Owner: Vincent C and Barbara Muselli

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 owners are requesting a one-year time extension request to submit a planning verification. The property owners’ basis for due cause is attached hereto. Staff recommends an extension of no less than two years to provide the property owners adequate time to submit a planning verification. If the owners require additional time to obtain building permits by November 8, 2023, an additional time extension will be required.

ATTACHMENT: Time Extension Request Letter

MALIBU WOOLSEY FIRE - REQUEST FOR TIME EXTENSION - 5911 Bonsall Drive - Muselli

I am submitting this letter along with the 1-year Time Extension Request. It sets out some of the unusual circumstances that create a hardship for the rebuild of my home at 5911 Bonsall Drive. It is not possible for me to meet the deadline for Planning Verification of November 8, 2021, and have plans completed and submitted to the City by December 31, 2021. I have engaged an architect and am now moving forward with the plans for the rebuild process but will not be able to meet current deadlines.

I, and my family, have been residents of Malibu for 34 years and have lived on Bonsall since 1989. My son Thomas was born there and my daughter Kate was 2 when we moved there. It is the only home they have really known. My children went through Malibu Schools. We lost everything in the Woolsey fire. My property housed me, my adult son Thomas, daughter Kate, as well as two horses (horses were saved). My house, guest house, landscaping, pool, along horse facilities, were destroyed in the fire, a total loss. It has taken an enormous amount of effort and energy to this day to find temporary accommodations until my rebuilding can commence and be completed. That effort is still in progress and in part is complicated by issues with my insurer.

Obviously, the impacts of my loss extend far beyond the loss of physical possessions in my life. I lost a large part of my life in the form of family photos and videos, heirlooms, my clothes, personal possessions and equipment, my son's artwork, art collection, my daughter and son's personal belongings.

While devastating the emotional distress and emotional loss have been even more dramatic. I have suffered extreme hardship because I have been forced to deal not only with my own emotional response from my loss but I have had to take charge of my adult son Thomas who suffers from ongoing, extreme, and severe emotional trauma and mental illness, aggravated by his loss in the fire. Thomas has required at times my almost full-time attention. My daughter Kate is suffering from extreme emotional distress as a result of the fire.

The past and still current unavoidable delays due to Covid-19 have made it very difficult to move things forward in my rebuilding process for reasons that were beyond my control. Some of the unusual circumstances are:

1. Since I am an "at-risk" person at 70 years of age, I maintained a diligent effort to maintain my health and followed the past Covid-19 past stay-at-home orders.
2. Due to the Covid-19 stay-at-home orders and business shutdown orders, it took a long time for me to be able to initiate anything in the rebuild process. It was all but impossible to find and interview architects that were available to do any planning and design work.
3. I was not able to consult with building contractors for costs associated with the impact the design would have on costs.
4. I continue to have ongoing issues with my insurance company to resolve my claims.
5. I also have an ongoing real estate business that has required my attention in order to survive financially. I have lost clients and business since the fire and am rebuilding my business and financial life.

The Woolsey Fire has left me emotionally drained having to deal with my insurance company to pay for my damages, living in temporary living accommodations, total lifestyle change, and caring for my son Thomas.

I am emotionally drained. Without the extension, my world will be totally and completely devastated even beyond what I have already experienced. My hardship like many others is serious, real, unfortunate, and totally outside of our control and due to no fault of our own. The passage of time has now helped me to process and move forward more expeditiously and I thank you in advance for your approval.

Vincent C. Muselli

November 7, 2021

Received

Nov 8, 2021

Planning Dept