



Commission Agenda Report

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

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. 21-011 – Extension of Time to Submit a Planning Verification for Nonconforming Structures and Uses Damaged or Destroyed in the Woolsey Fire

Location: 5418 Horizon Drive
APN: 4469-006-010
Owner: William G Poole Decd 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

Aakash Shah

From: william w. poole [REDACTED] com >
Sent: Monday, November 8, 2021 3:55 PM
To: Aakash Shah
Subject: Woolsey Fire Rebuild Extension - Poole 5418 Horizon Dr.

Received
Nov 8, 2021
Planning Dept.

Monday, Nov. 8, 2021

Aakash Shah
23825 Stuart Ranch Road
Malibu CA 90265

Good afternoon Aakash,

I would like a continuation of the previous request for an extension due to unusual circumstances. (see email of Nov. 6, 2020)
We have another hearing in the middle of February 2022 pertaining to the documents I include in the previous email. After this hearing we start the settlement process with SCE.

Please let me know if you need any additional information.

Thank you,

William W Poole Trustee
[REDACTED]
[REDACTED]

Received

Nov 6, 2020

Planning Dept.



William W Poole

310-883-5522

william20061@verizon.net

2615 Washington Ave. Santa Monica CA 90403

Friday, November 6, 2020

Aakash Shah
23825 Stuart Ranch Road
Malibu CA 90265

Good afternoon Aakash,

I would like to request an extension due to unusual circumstances. Our home of 62 years was located at 5418 Horizon Dr. Malibu. Our insurance money was stolen. My attorneys have filed to reclaim those funds. Please find attached a copy of the filing along with the extension form requested. Our first hearing regarding this matter is next Friday, the 13th. Please contact me regarding any questions you may have. We have had a number of filings prior to the one included in this email, which are resolved.

Thank you very much,

William W Poole Trustee

