



# Commission Agenda Report

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

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. 21-012 – Extension of Time to Submit a Planning Verification for Nonconforming Structures and Uses Damaged or Destroyed in the Woolsey Fire

Location: 29350 Heathercliff Road  
APN: 4468-012-022  
Owner: Kenneth A and Carolyn K Good

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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 owners are requesting an extension of time 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

Received

NOV 8, 2021

Planning Dept.

Carolyn Good and Kenneth Good

Woolsey Fire Affected Property: 29350 Heathercliff Rd. Malibu, CA 90265

Mailing Address: [REDACTED]

Re: Letter of Hardship and Extenuating Circumstances:

We have experienced undue hardships due to the impact of the Woolsey Fire and for the two following factors:

- Woolsey Fire
- My husband's ongoing illnesses
- COVID-19

Due to extenuating circumstances that have caused us considerable hardship, we are applying for a Woolsey Fire Non-Conforming In-kind Rebuild Disaster Rebuild Time Extension Request. In 2017, my husband and I were planning to move into the guest house on our property to supervise the refurbishing of the main house before moving in. Additionally, as my husband and myself are Senior Citizens the impact of the Woolsey Fire has caused us emotional distress and financial impact due to the loss of income and property.

in December 2017, my husband suffered an accident that resulted in a serious and permanent disability that has prevented him from partaking in almost any of his usual daily activities and has required 24/7 skilled nursing care.

Due to the Woolsey fire of November 8<sup>th</sup>, 2018, I was also required to provide care for him due to his severe disability while dealing with all Covid-19 restrictions, for these reasons I have unable to complete the rebuild process for the guest house that burnt completely to the ground. Additionally this prevented us from moving into the main house as it needed considerable refurbishing and needed more inspections for damages and remediation after the fire.

In addition, the Woolsey Fire Federal, State, Cal Fire and City requirements prevented us from completing plans to rebuild the guest house or perform the necessary maintenance that now included smoke, ash and char damage and possible environmental damage to the main house. Fortunately, we passed all Haz Mat requirements for the Guest House and have met requirements for the removal of smoke, ash and char damage at the main house. Further damages at the main house are yet to be assessed.

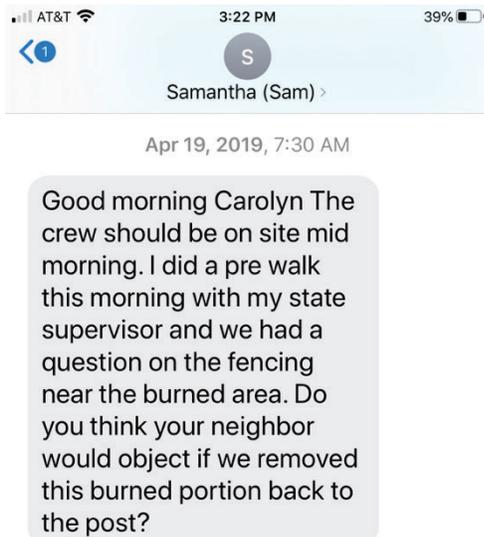
For approximately six months after the Woolsey Fire, we had to work closely with CalFire in order to pass all hazmat inspections and remediations. We were slowed down to begin the rebuild process as CalFire told us we were the very last property in the Wandermere and Canyon Cachment area to be scheduled for debris removal and Haz Mat Inspections. This work was not completed until April 19<sup>th</sup>, 2019; six months after the Woolsey Fire. Note: See screenshot of text sent April 19th, 2019 at end from Cal Fire.

During this time we had two contractors come out for inspection and give us rebuild estimates afterwards, but on June 8<sup>th</sup>, 2019 my husband was readmitted to the hospital, followed by a lengthy stay in a SNIF Skilled Nursing Facility, until we were advised to take him home due to the high risk of infection in nursing homes of the rising COVID-19 infection rates. At this time I was approved by his Long Term Insurance as his caretaker for 24/7 daily assistance.

Please see below attachments:

April 19th, 2019 – CalFire Text:

Notice to begin debris clearance on property.



Medical documentation for Kenneth Good.

Admittance/Discharge List: Hospital and Skilled Nursing Facility Dates (2017-2020)

As we are worried about patient privacy over the internet the names of these medical facilities are abbreviated. If additional supporting documents are required, they can be provided.

SJ's	12/27/17	1/2/18	Hospital
CR	1/2/18	1/17/18	Rehab
BE	1/17/18	2/13/18	Skilled Nursing
S	2/13/18	3/19/18	Assisted Living
U	3/17/18	3/20/18	Hospital
BE	3/20/18	4/18/18	Skilled Nursing
U	4/27/18	4/30/18	Hospital
BE	4/30/18	5/31/18	Skilled Nursing
U	7/20/18	7/23/18	Hospital
BE	7/23/18	8/6/18	Skilled Nursing
BE	9/21/18	10/7/18	Skilled Nursing
U	2/27/19	3/6/19	Hospital

CR	3/6/19	3/22/19	Rehab
BW	3/22/19	4/30/19	Skilled Nursing
U	6/8/19	6/11/19	Hospital
BW	6/11/19	6/xx/19	Skilled Nursing
U	6/27/19	7/1/19	Hospital
BW	7/1/19	3/13/2020	Skilled Nursing

RE: Kenneth Good

### Summary of Services

**The following provider(s)**

- Carolyn Good  
Frequency of Service: 24 hours per day/7 days per week

BERKLEY CONVALESCENT HOSPITALS

DISCHARGE SUMMARY

Resident Name: Kenneth Good Date: 4/18/18  
Discharged to: Home Transported by: Car Ambulance  
Summary of Resident's stay: Admit Date 1/17/18 then Readmitted  
3/20/18 @ 5:00pm



July 15, 2020

KENNETH GOOD



RE: Kenneth Good  
Coverage ID Number

Dear Kenneth Good:

We have completed a reassessment of your claim and determined that you continue to meet the eligibility requirements. Your benefit eligibility has been approved from February 27, 2020

**AFTER VISIT SUMMARY**



**Kenneth Good** MRN: 12/9/2019 UCLA Santa Monica Emergency Department 424-259-8405  
Thank you for choosing UCLA Health for your care

**DISCHARGE INSTRUCTIONS**

**Kenneth Good** MRN: 11/3/2020 - 11/6/2020