



Commission Agenda Report

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

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. 21-013 – Extension of Time to Submit a Planning Verification for Nonconforming Structures and Uses Damaged or Destroyed in the Woolsey Fire

Location: 6800.5 Westward Beach Road
Nearest APN: 4468-016-905
Owner: County of Los Angeles, Department of Beaches and Harbors

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 a two-year time extension 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



Caring for Our Coast

♦ ♦ ♦
Gary Jones
Director

Kerry Silverstrom
Chief Deputy

Amy M. Caves
Deputy Director

Carol Baker
Deputy Director

Received

Nov 8, 2021

Planning Dept.

November 8, 2021

Aakash Shah
Planning Department
City of Malibu
VIA EMAIL ashah@malibucity.org

Dear Akash,

I'm writing to request a Woolsey Fire time extension request for our Point Dume Whale Watch Station easement (Whale Watch) located northeast of Westward Beach Road and Birdview Avenue.

Strict compliance with the time limit creates a hardship for our department. This is due to the following unusual circumstances:

- FEMA Funding – although the County applied for FEMA funding to repair the site, the initial application was denied, and the County has since appealed the denial.
- COVID-19 – the global pandemic resulted in curtailments to County resources including budgeted funding available for Beaches and Harbors' as-needed architectural design and engineering master agreements (agreement). Services from an agreement vendor were required to investigate and prepare rebuild plans for Whale Watch.
- Documentation Review and Surveys – the original Whale Watch improvements were installed by the developer of the adjacent residential complex and our department was unable to locate plans, as-builts, or other records of the site. As a result, additional time was expended for our internal research to locate the easement documents, and our consultant team to perform topographic and boundary surveys and create a base map on which to design the rebuild plans.

For these reasons, we respectfully request a time extension for our Woolsey Fire-related non-conforming in-kind disaster rebuild of Whale Watch.

To discuss, I can be reached via email or office telephone (424) 526-7756.

Thank you,
Warren
Ontiveros
Warren Ontiveros
Capital Projects Section Manager

Digitally signed by Warren
Ontiveros
Date: 2021.11.08 16:53:49
-08'00'



1/5/22

Planning Dept.

Rebecca Evans

From: Warren Ontiveros <WOntiveros@bh.lacounty.gov>
Sent: Wednesday, January 5, 2022 3:56 PM
To: Rebecca Evans
Cc: Bertha Ruiz-Hoffmann; Aakash Shah; Adrian Fernandez
Subject: 6800.5 Westward Beach - Point Dume Whale Watch Woolsey Fire Rebuild

Good Afternoon Rebecca,

I appreciate your telephone call earlier today.

To confirm, we are requesting a 24-month extension to obtain Planning Verification for post-Woolsey Fire repairs of the Point Dume Whale Watch public accessway and viewing improvements. We will pursue repair/rebuilding of the improvements in their current alignment.

Planning Verification will be sought with the City of Malibu. Building & safety plan check will be sought through the County of Los Angeles Department of Public Works, which is the customary permitting route for our projects.

Thank you,

Warren Ontiveros, Capital Projects Section Manager
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Department of Beaches and Harbors
County of Los Angeles
13837 Fiji Way
Marina del Rey, CA 90292
Office: 424-526-7756
Email: wontiveros@bh.lacounty.gov



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