



Commission Agenda Report

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

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. 21-014 – Extension of Time to Submit a Planning Verification for Nonconforming Structures and Uses Damaged or Destroyed in the Woolsey Fire

Location: 5878 Deerhead Road
APN: 4469-015-012
Owner: Helaina Properties, LLC

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

5878 DEERHEAD ROAD, MALIBU, CA 90265

November 7, 2021

City of Malibu
ATTN: Richard Mollica, AICP
23825 Stuart Ranch Road
Malibu, CA 90265

Received

Nov 8, 2021

Planning Dept.

Reference: Planning Verification Woolsey Fire (PVWF) 19-070

5878 Deerhead Road

In Kind Rebuild Plus 10% of a Single-Family Residence Destroyed by the 2018 Woolsey Fire

Richard Mollica,

This letter has been prepared to detail the reasons behind our Woolsey Fire Non-Conforming In-Kind Rebuild Disaster Rebuild Time Extension Request for Planning Verification Woolsey Fire (PVWF) 19-070 associated with the property identified by the address of 5878 Deerhead Road.

On November 8, 2018 the Woolsey Fire destroyed a two-story single family residential structure on the subject property.

On April 30, 2019 PVWF 19-070 was submitted to the City of Malibu's Planning Department for the in kind rebuild plus 10% of a single-family residence which was destroyed by the 2018 Woolsey Fire.

On December 13, 2019 the construction documents for the residential project and its associated grading were submitted to the City of Malibu's Building and Safety Department for Building Plan Check Review.

On March 11, 2020 the World Health Organization declares a pandemic for the COVID-19 crisis.

On March 19, 2020 Governor Newsom issued a stay-at-home order where all non-essential businesses were order to close, and people were encouraged to stay at home and avoid going out.

On August 10, 2020 Building and Grading Permits were issued by the City of Malibu's Building and Safety Department for the in kind rebuild plus 10% of a single-family residence and its associated grading.

On June 2, 2021 the subject property was sold.

5878 DEERHEAD ROAD, MALIBU, CA 90265

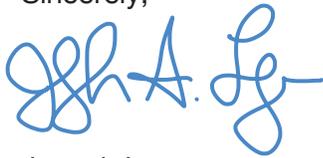
On August 4, 2021 the subject property was purchased by my client.

The recitals above outline the history of the subject property and how it came to be owned by my clients only three months ago. During this time, we have focused on updating the construction documents and re-activating the Building and Grading Permits that were issued by the City of Malibu's Building and Safety Department. The COVID 19 pandemic crisis has limited the amount of available skilled labor as well as delayed shipments of essential building products. There is no telling how the COVID 19 pandemic crisis will continue to affect this project from now and until completion.

It is for reasons such as the COVID 19 pandemic crisis and its impacts to labor and the global supply chain that we are requesting a Woolsey Fire Non-Conforming In-Kind Rebuild Disaster Rebuild Time Extension for Planning Verification Woolsey Fire (PVWF) 19-070 in order to maintain the non-conforming rear yard setback and allow for Substantial Conformance determinations to be made associated with the property identified by the address of 5878 Deerhead Road.

Please do not hesitate to contact me if you have any questions or comments regarding this matter.

Sincerely,



Joseph Lezama