



Commission Agenda Report

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

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. 21-019 – Extension of Time to Submit a Planning Verification for Nonconforming Structures and Uses Damaged or Destroyed in the Woolsey Fire

Location: 5246 Horizon Drive
APN: 4469-005-013
Owner: Jean H and Vicky V Yavrouian

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 10, 2021

Planning Dept.

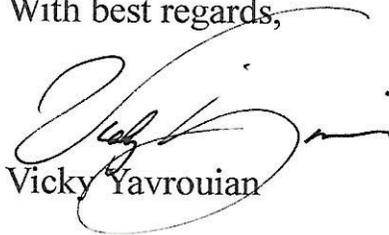
November 8, 2021

TO WHOM IT MAY CONCERN:

My husband and I are the owners of the property located at 5246 Horizon Dr., Malibu, CA 90265. During the Woolsey fire our house was a total loss. This was a devastating event in our lives, we are both senior citizens and it is very hard for us to go through this process. We are now working with an architect and intend to rebuild, but due to COVID and financial hardship since we were heavily under-insured it is taking longer. We also found out that the neighbors behind our house have encroached into our property, which we need to resolve.

We would greatly appreciate to be granted a time extension.

With best regards,

A handwritten signature in black ink, appearing to read 'Vicky Yavrouian', with a large, sweeping flourish extending to the right.

Vicky Yavrouian

Patricia Salazar

Subject: FW: Woolsey Fire Rebuild Time Extension.

From: Vicky Yavrouian [REDACTED]
Sent: Thursday, November 11, 2021 1:17 PM
To: Aakash Shah <ashah@malibucity.org>
Subject: Re: Woolsey Fire Rebuild Time Extension.

Dear Mr. Aakash Shah,

Please let your manager know that I had computer problems and I saw the email a day late. At our age we are not very good with computers and if he could please accept our application for the time extension.

I would be waiting for your kind response and as soon as I hear from you I would be mailing the application along with the check for the extension fee for \$528.00.

Thank you,
Best regards,
Vicky Yavrouian

On Wednesday, November 10, 2021, 03:36:21 PM PST, Aakash Shah <ashah@malibucity.org> wrote:

Hello,

We have received your extension request.

I would like to tell you that the extension request was received after the deadline. So, I have forwarded this to manager. They will determine and let me know.

Please wait for my reply.

Thank you

Aakash Shah | Contract Planner | City of Malibu

23825 Stuart Ranch Road, Malibu CA, 90265
Phone: (310) 456-2489 ext. 385

Fax: (310) 456-7650

[Malibu, CA - Official Website - Planning Department](#)

Woolsey Fire Recovery: <https://malibucity.org/901/Malibu-Rebuilds>

From: Vicky Yavrouian [REDACTED]
Sent: Wednesday, November 10, 2021 2:46 PM
To: Aakash Shah <ashah@malibucity.org>
Subject: Re: Woolsey Fire Rebuild Time Extension.

Dear Mr. Aakash Shah,

This is in regards to the time extension for the property located at:

Vicky Yavrouian

5246 Horizon Dr.,

Malibu, CA 90265

I have filled out the time extension request form which I will be mailing along with the check for the extension fee. I just wanted to ask you if a property tax bill would be sufficient as property ownership document if not I have to look for my grand deed. Also, if I need to have this form notarized.

Meanwhile I am emailing you what I have.

Thank you.

best regards,

Vicky Yavrouian