



Commission Agenda Report

Planning Commission
Meeting
02-07-22
**Item
7.B.**

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 27, 2022 Meeting Date: February 7, 2022

Subject: Extension-Woolsey Fire No. 21-006 – Extension of Time to Submit a Planning Verification for Nonconforming Structures and Uses Damaged or Destroyed in the Woolsey Fire

Location: 6760 Dume Drive
APN: 4466-016-003
Owner: Bernard P and Shelley G Wolfsdorf

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. After submitting the time extension request, the owner has re-considered the five-year extension requested and is now requesting a two-year time extension. The property owner’s basis for due cause is attached hereto. 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

Received

Nov 8, 2021

Planning Dept.

November 4, 2021

City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

Re: Time Extension Request

Re: 6760 Dume Drive

In November 2018 our home and guest home burned to the ground. The President, Governor of California and numerous other City and County Officials did a stand-up for the media on our property vowing that they "would help us rebuild". This part of Dume drive looked like a World War 1 battlefield. To date no financial assistance has been provided, other than this possible benefit.

Our lot is 1.9 acres and the insurance paid us \$705,130.51 for the main dwelling and dwelling extension and \$396,117.10 for the guest home for a total of \$1,101,247.61

We have undertaken some research as to the cost of building, and it appears that the minimum we could build for would be over \$3 million.

I am now a senior citizen being 67 years old and not prepared to take on substantial debt so we seeking to limit the amount of debt especially since I still have a 17-year old son to put through college. Additionally, my business has been severely impacted by Covid 19. While the year is not over, we anticipate a precipitous decline in revenue which makes it risky and bad policy to incur further debt.

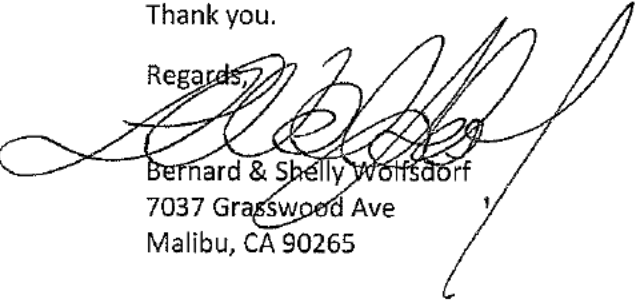
Compliance with the limit therefore places me and my family with undue hardship and directly contradicts the statements of support made. We have received not one penny of government assistance and it appears the City iss trying to take even this minor dispensation away.

This is sad.

For these reasons, we ask that you please grant an extension for 5 years based on the substantial evidence attached and the unusual circumstances of my age, parenting responsibilities and enormous cost to rebuild at today's cost. We need this time to earn the money necessary to rebuild our home.

Thank you.

Regards,


Bernard & Shelly Wolfsdorf
7037 Grasswood Ave
Malibu, CA 90265

