



# Commission Agenda Report

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

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. 21-015 – Extension of Time to Submit a Planning Verification for Nonconforming Structures and Uses Damaged or Destroyed in the Woolsey Fire

Location: 6351 Kanan Dume  
APN: 4467-036-006  
Owner: Patricia Pascucci Brown Trust

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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 owner is requesting a one-year extension of time to submit a planning verification. 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

# 6351 KANAN DUME ROAD, MALIBU, CA 90265

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November 8, 2021

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

Received  
Nov 8, 2021  
Planning Dept.

**Reference: Code Enforcement Case Number (CE) 202009022**  
6351 Kanan Dume Road  
*Garden Steps and Landscaping*

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 Code Enforcement Case Number (CE) 202009022 associated with the property identified by the address of 6351 Kanan Dume Road.

On November 8, 2018 the Woolsey Fire destroyed the garden steps and landscaping on the subject property.

On August 4, 2021 City of Malibu Staff conducted an inspection of the subject property and issued a Notice of Violation.

On August 9, 2021 City of Malibu Staff issued a Final Notice of Violation.

On September 19, 2021 the owner of the subject property submitted a site plan and supporting documents to the City of Malibu.

Since September 19, 2021 the property owner and myself have weekly meetings with the City Biologist, Planning Department, and Code Enforcement Department to discussing how the to fully resolve the subject Code Enforcement Case in the least environmentally damaging way.

The recitals above outline the recent history of 6351 Kanan Dume Road and how we have put forth a diligent effort to remedy the subject case in the most environmentally respectful way possible. During this time, we have focused on updating City Staff on a weekly basis while continuing to provide any further evidence, justification, site access, and additional information requested of us.

In order to allow for more time to collaborate with City of Malibu Staff and select the most environmentally sensitive alternative to remedying Code Enforcement Case Number (CE) 202009022 we are requesting a Woolsey Fire Non-Conforming In-Kind Rebuild Disaster

# 6351 KANAN DUME ROAD, MALIBU, CA 90265

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Rebuild Time Extension for the property identified by the address of 6351 Kanan Dume Road.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Lezama". The signature is stylized and cursive.

Joseph Lezama