



# Commission Agenda Report

Planning Commission  
Meeting  
02-22-22  
**Item  
3.A.2.**

To: Chair Hill and Members of the Planning Commission

Prepared by: Patricia Salazar, Senior Administrative Analyst

Approved by: Richard Mollica, Planning Director

Date prepared: February 16, 2022 Meeting Date: February 22, 2022

Subject: Resolutions Approving Time Extension Requests to Submit a Planning Verification for Nonconforming Structures and Uses Damaged or Destroyed in the Woolsey Fire Previously Considered by the Planning Commission

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## RECOMMENDED ACTION:

- 1) Adopt Resolution No. 22-13 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 6219 Ramirez Mesa Drive (TKH Zuma, LLC).
- 2) Adopt Resolution No. 22-14 granting a one-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 33505 Pacific Coast Highway (Kotler Family Trust).
- 3) Adopt Resolution No. 22-15 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 7003 Birdview Avenue (Alford Enterprises II, LP).
- 4) Adopt Resolution No. 22-16 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 33012 Pacific Coast Highway (Alford Children's Trust-1992).

- 5) Adopt Resolution No. 22-17 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 6234 Cavalleri Road (Bowman-Smith).
- 6) Adopt Resolution No. 22-18 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 5941 Bonsall Drive (Muselli).

DISCUSSION: On January 18, 2022 and February 7, 2022, the Planning Commission considered time extension requests for numerous property owners to submit planning verifications for nonconforming structures and uses damaged or destroyed in the Woolsey Fire. The purpose of this item is to memorialize the Commission's actions on some of these time extension requests. Staff will return at a future meeting date with additional approved time extension request Resolutions.

ATTACHMENTS:

1. Resolution No. 22-13
2. Resolution No. 22-14
3. Resolution No. 22-15
4. Resolution No. 22-16
5. Resolution No. 22-17
6. Resolution No. 22-18

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 22-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A TWO-YEAR EXTENSION TO SUBMIT A PLANNING VERIFICATION FOR NONCONFORMING STRUCTURES AND USES DAMAGED OR DESTROYED IN THE WOOLSEY FIRE FOR THE PROPERTY LOCATED AT 6219 RAMIREZ MESA DRIVE (TKH ZUMA, LLC)

The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. The 2018 Woolsey Fire destroyed at least 488 single-family homes in Malibu and over 640 parcels were damaged, destroyed, or affected by the Woolsey Fire.

B. On February 25, 2019, the City Council adopted Ordinance No. 445, amendments to the Malibu Municipal Code Title 17 (Zoning Ordinance) and the Local Coastal Program, to facilitate the rebuilding of structures damaged or destroyed by the 2018 Woolsey Fire. The Ordinance included deadlines for property owners to rebuild nonconforming structures and uses: two years from the date of damage to initiate a planning verification, four years from the date of damage or destruction to obtain building permits, and extensions to these deadlines may not total more than five years.

C. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in response to the increased spread of COVID-19. Additionally, on March 4, 2020, the Los Angeles County Board of Supervisors and the Department of Public Health all declared a local and public health emergency in response to increased spread of COVID-19 across the country and in Los Angeles County. The President of the United States declared a federal emergency as a result of the spread of COVID-19. Said Federal and State emergencies have not been terminated.

D. On March 16, 2020, the City Council adopted Resolution No. 20-14 proclaiming a local emergency exists due to the COVID-19 pandemic and said local emergency has not been terminated.

E. On December 14, 2020, approximately 50% of property owners of destroyed homes submitted a planning verification to rebuild homes, and as a desire to encourage the rebuilding of homes, the City Council adopted Ordinance No. 476, extending the deadlines to initiate the planning application process and obtain building permits by one year, and allowed for extensions of these deadlines to not total more than six years combined.

F. On September 28, 2020, the California State Legislature took measures to address the housing crises in California and adopted Assembly Bill 1561. Pursuant to Section 65914.5, the Legislature found that the COVID-19 pandemic “will drastically impact all segments of a complex ecosystem that delivers the essential housing California so desperately needs to combat the ongoing housing crisis.” and “To facilitate and expedite the return of this vital industry, it is

necessary to relieve any additional pressure on housing development as a result of the lapse in planning, finance, and construction due to the pandemic-induced recession. An essential component of ensuring the survival of the housing industry is proactively extending the life of the myriad state and local approvals, permits, and other entitlements required to develop and construct housing in California.” Additionally, Assembly Bill 1561, among other measures, extended the expiration, effectuation, or utilization of a housing entitlement, that was issued before, and was in effect on, March 4, 2020, and that will expire before December 31, 2021 by 18 months.

G. Although Southern California Edison has reached settlement agreements with numerous parties arising from litigation claims related to the Woolsey Fire, numerous claims are in progress and this delay in securing funds has created an undue financial hardship and uncertainty for those affected.

H. The California Department of Insurance received numerous complaints from policyholders about the challenges in temporary housing, delay in receiving payouts and the cost of reconstruction after a wildfire. As a result, on September 29, 2020, Governor Gavin Newsom approved Assembly Bills 2756, and 3012, and Senate Bill 872 to provide new insurance protections for wildfire survivors to recover and rebuild lost property. These bills recognize the ongoing challenges faced by those who must navigate the challenges of insurance companies and then construction obstacles all while dealing with temporary housing and other impacts of a devastating wildfire.

I. On October 6, 2021, the property owner, TKH Zuma, LLC, submitted a time extension request to initiate the planning application process citing financial hardship due to delays caused by pending insurance and Southern California Edison claims, and delays due to the COVID-19 pandemic as unusual circumstances and strict compliance with the three-year limit is an undue hardship.

J. Pursuant to Malibu Municipal Code 17.060.020(C), property owners wishing to rebuild nonconforming structures and uses damaged or destroyed in the Woolsey Fire shall initiate the planning process by November 8, 2021. Said property owner submitted a time extension request to the Planning Department in a timely manner.

## SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission determined the project to be categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3), which exempts those activities for which it can be seen with certainty that there is no potential to result in significant environmental effects. This Resolution is merely extending the time an applicant has to submit a planning verification for nonconforming structures and uses damages or destroyed by the Woolsey Fire. Further, this act is not a “project” pursuant to CEQA Guidelines section 15378(b)(5), which provides that organizational and administrative activities of governments that will not result in physical environmental impacts are not CEQA projects.

SECTION 3. Planning Commission Action.

The recitals above are adopted hereon, and the property owner has demonstrated to the satisfaction of the Planning Commission the necessity of a time extension to initiate the planning application process. The Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby grants the property owner a two-year time extension to submit a planning verification to rebuilding non-conforming uses or structures destroyed or damaged in the Woolsey Fire. A planning verification shall be submitted by November 8, 2023.

SECTION 4. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 22<sup>nd</sup> day of February, 2022.

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KRAIG HILL, Planning Commission Chair

ATTEST:

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REBECCA EVANS, Recording Secretary

LOCAL APPEAL - Pursuant to Malibu Municipal Code Section 17.04.220 (Appeal of Action) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at [www.malibucity.org](http://www.malibucity.org), in person at City Hall, or by calling (310) 456-2489, ext. 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 22-13 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 22<sup>nd</sup> day of February, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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REBECCA EVANS, Recording Secretary

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 22-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A ONE-YEAR EXTENSION TO SUBMIT A PLANNING VERIFICATION FOR NONCONFORMING STRUCTURES AND USES DAMAGED OR DESTROYED IN THE WOOLSEY FIRE FOR THE PROPERTY LOCATED AT 33505 PACIFIC COAST HIGHWAY (KOTLER FAMILY TRUST)

The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. The 2018 Woolsey Fire destroyed at least 488 single-family homes in Malibu and over 640 parcels were damaged, destroyed, or affected by the Woolsey Fire.

B. On February 25, 2019, the City Council adopted Ordinance No. 445, amendments to the Malibu Municipal Code Title 17 (Zoning Ordinance) and the Local Coastal Program, to facilitate the rebuilding of structures damaged or destroyed by the 2018 Woolsey Fire. The Ordinance included deadlines for property owners to rebuild nonconforming structures and uses: two years from the date of damage to initiate a planning verification, four years from the date of damage or destruction to obtain building permits, and extensions to these deadlines may not total more than five years.

C. On December 14, 2020, approximately 50% of property owners of destroyed homes submitted a planning verification to rebuild homes, and as a desire to encourage the rebuilding of homes, the City Council adopted Ordinance No. 476, extending the deadlines to initiate the Planning application process and obtain building permits by one year, and allowed for extensions of these deadlines to not total more than six years combined.

D. On September 28, 2020, the California State Legislature took measures to address the housing crises in California and adopted Assembly Bill 1561. Pursuant to Section 65914.5, the Legislature found that the COVID-19 pandemic “will drastically impact all segments of a complex ecosystem that delivers the essential housing California so desperately needs to combat the ongoing housing crisis.” and “To facilitate and expedite the return of this vital industry, it is necessary to relieve any additional pressure on housing development as a result of the lapse in planning, finance, and construction due to the pandemic-induced recession. An essential component of ensuring the survival of the housing industry is proactively extending the life of the myriad state and local approvals, permits, and other entitlements required to develop and construct housing in California.” Additionally, Assembly Bill 1561, among other measures, extended the expiration, effectuation, or utilization of a housing entitlement, that was issued before, and was in effect on, March 4, 2020, and that will expire before December 31, 2021 by 18 months.

E. The California Department of Insurance received numerous complaints from

policyholders about the challenges in temporary housing, delay in receiving payouts and the cost of reconstruction after a wildfire. As a result, on September 29, 2020, Governor Gavin Newsom approved Assembly Bills 2756, and 3012, and Senate Bill 872 to provide new insurance protections for wildfire survivors to recover and rebuild lost property. These bills recognize the ongoing challenges faced by those who must navigate the challenges of insurance companies and then construction obstacles all while dealing with temporary housing and other impacts of a devastating wildfire.

F. On November 8, 2021, the property owner, Kotler Family Trust, submitted a time extension request to initiate the planning application process citing insurance settlement delays as unusual circumstances and strict compliance with the three-year limit is an undue hardship.

G. Pursuant to Malibu Municipal Code 17.060.020(C), property owners wishing to rebuild nonconforming structures and uses damaged or destroyed in the Woolsey Fire shall initiate the planning process by November 8, 2021. Said property owner submitted a time extension request to the Planning Department in a timely manner.

#### SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission determined the project to be categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3), which exempts those activities for which it can be seen with certainty that there is no potential to result in significant environmental effects. This Resolution is merely extending the time an applicant has to submit a planning verification for nonconforming structures and uses damages or destroyed by the Woolsey Fire. Further, this act is not a “project” pursuant to CEQA Guidelines section 15378(b)(5), which provides that organizational and administrative activities of governments that will not result in physical environmental impacts are not CEQA projects.

#### SECTION 3. Planning Commission Action.

The recitals above are adopted hereon, and the property owner has demonstrated to the satisfaction of the Planning Commission the necessity of a time extension to initiate the planning application process. The Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby grants the property owner a one-year time extension to submit a planning verification to rebuilding non-conforming uses or structures destroyed or damaged in the Woolsey Fire. A planning verification shall be submitted by November 8, 2022.

#### SECTION 4. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 22<sup>nd</sup> day of February, 2022.

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KRAIG HILL, Planning Commission Chair

ATTEST:

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REBECCA EVANS, Recording Secretary

LOCAL APPEAL - Pursuant to Malibu Municipal Code Section 17.04.220 (Appeal of Action) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at [www.malibucity.org](http://www.malibucity.org), in person at City Hall, or by calling (310) 456-2489, ext. 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 22-14 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 22<sup>nd</sup> day of February, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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REBECCA EVANS, Recording Secretary

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 22-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A TWO-YEAR EXTENSION TO SUBMIT A PLANNING VERIFICATION FOR NONCONFORMING STRUCTURES AND USES DAMAGED OR DESTROYED IN THE WOOLSEY FIRE FOR THE PROPERTY LOCATED AT 7003 BIRDVIEW AVENUE (ALFORD ENTERPRISES II, LP)

The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. The 2018 Woolsey Fire destroyed at least 488 single-family homes in Malibu and over 640 parcels were damaged, destroyed, or affected by the Woolsey Fire.

B. On February 25, 2019, the City Council adopted Ordinance No. 445, amendments to the Malibu Municipal Code Title 17 (Zoning Ordinance) and the Local Coastal Program, to facilitate the rebuilding of structures damaged or destroyed by the 2018 Woolsey Fire. The Ordinance included deadlines for property owners to rebuild nonconforming structures and uses: two years from the date of damage to initiate a planning verification, four years from the date of damage or destruction to obtain building permits, and extensions to these deadlines may not total more than five years.

C. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in response to the increased spread of COVID-19. Additionally, on March 4, 2020, the Los Angeles County Board of Supervisors and the Department of Public Health all declared a local and public health emergency in response to increased spread of COVID-19 across the country and in Los Angeles County. The President of the United States declared a federal emergency as a result of the spread of COVID-19. Said Federal and State emergencies have not been terminated.

D. On March 16, 2020, the City Council adopted Resolution No. 20-14 proclaiming a local emergency exists due to the COVID-19 pandemic and said local emergency has not been terminated.

E. On December 14, 2020, approximately 50% of property owners of destroyed homes submitted a planning verification to rebuild homes, and as a desire to encourage the rebuilding of homes, the City Council adopted Ordinance No. 476, extending the deadlines to initiate the planning application process and obtain building permits by one year, and allowed for extensions of these deadlines to not total more than six years combined.

F. On September 28, 2020, the California State Legislature took measures to address the housing crises in California and adopted Assembly Bill 1561. Pursuant to Section 65914.5, the Legislature found that the COVID-19 pandemic “will drastically impact all segments of a complex ecosystem that delivers the essential housing California so desperately needs to combat the ongoing housing crisis” and “To facilitate and expedite the return of this vital industry, it is

necessary to relieve any additional pressure on housing development as a result of the lapse in planning, finance, and construction due to the pandemic-induced recession. An essential component of ensuring the survival of the housing industry is proactively extending the life of the myriad state and local approvals, permits, and other entitlements required to develop and construct housing in California.” Additionally, Assembly Bill 1561, among other measures, extended the expiration, effectuation, or utilization of a housing entitlement, that was issued before, and was in effect on, March 4, 2020, and that will expire before December 31, 2021 by 18 months.

G. On November 8, 2021, the property owner, Alford Enterprises II, LP, submitted a time extension request to initiate the planning application process citing delays due to the COVID-19 pandemic and personal distress as unusual circumstances and strict compliance with the three-year limit is an undue hardship.

E. Pursuant to Malibu Municipal Code 17.060.020(C), property owners wishing to rebuild nonconforming structures and uses damaged or destroyed in the Woolsey Fire shall initiate the planning process by November 8, 2021. Said property owner submitted a time extension request to the Planning Department in a timely manner.

#### SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission determined the project to be categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3), which exempts those activities for which it can be seen with certainty that there is no potential to result in significant environmental effects. This Resolution is merely extending the time an applicant has to submit a planning verification for nonconforming structures and uses damages or destroyed by the Woolsey Fire. Further, this act is not a “project” pursuant to CEQA Guidelines section 15378(b)(5), which provides that organizational and administrative activities of governments that will not result in physical environmental impacts are not CEQA projects.

#### SECTION 3. Planning Commission Action.

The recitals above are adopted hereon, and the property owner has demonstrated to the satisfaction of the Planning Commission the necessity of a time extension to initiate the planning application process. The Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby grants the property owner a two-year time extension to submit a planning verification to rebuilding non-conforming uses or structures destroyed or damaged in the Woolsey Fire. A planning verification shall be submitted by November 8, 2023.

SECTION 4. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 22<sup>nd</sup> day of February, 2022.

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KRAIG HILL, Planning Commission Chair

ATTEST:

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REBECCA EVANS, Recording Secretary

LOCAL APPEAL - Pursuant to Malibu Municipal Code Section 17.04.220 (Appeal of Action) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at [www.malibucity.org](http://www.malibucity.org), in person at City Hall, or by calling (310) 456-2489, ext. 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 22-15 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 22<sup>nd</sup> day of February, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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REBECCA EVANS, Recording Secretary

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 22-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A TWO-YEAR EXTENSION TO SUBMIT A PLANNING VERIFICATION FOR NONCONFORMING STRUCTURES AND USES DAMAGED OR DESTROYED IN THE WOOLSEY FIRE FOR THE PROPERTY LOCATED AT 33012 PACIFIC COAST HIGHWAY (ALFORD CHILDREN'S TRUST - 1992)

The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. The 2018 Woolsey Fire destroyed at least 488 single-family homes in Malibu and over 640 parcels were damaged, destroyed, or affected by the Woolsey Fire.

B. On February 25, 2019, the City Council adopted Ordinance No. 445, amendments to the Malibu Municipal Code Title 17 (Zoning Ordinance) and the Local Coastal Program, to facilitate the rebuilding of structures damaged or destroyed by the 2018 Woolsey Fire. The Ordinance included deadlines for property owners to rebuild nonconforming structures and uses: two years from the date of damage to initiate a planning verification, four years from the date of damage or destruction to obtain building permits, and extensions to these deadlines may not total more than five years.

C. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in response to the increased spread of COVID-19. Additionally, on March 4, 2020, the Los Angeles County Board of Supervisors and the Department of Public Health all declared a local and public health emergency in response to increased spread of COVID-19 across the country and in Los Angeles County. The President of the United States declared a federal emergency as a result of the spread of COVID-19. Said Federal and State emergencies have not been terminated.

D. On March 16, 2020, the City Council adopted Resolution No. 20-14 proclaiming a local emergency exists due to the COVID-19 pandemic and said local emergency has not been terminated.

E. On December 14, 2020, approximately 50% of property owners of destroyed homes submitted a planning verification to rebuild homes, and as a desire to encourage the rebuilding of homes, the City Council adopted Ordinance No. 476, extending the deadlines to initiate the Planning application process and obtain building permits by one year, and allowed for extensions of these deadlines to not total more than six years combined.

F. On September 28, 2020, the California State Legislature took measures to address the housing crises in California and adopted Assembly Bill 1561. Pursuant to Section 65914.5, the Legislature found that the COVID-19 pandemic "will drastically impact all segments of a complex ecosystem that delivers the essential housing California so desperately needs to combat the ongoing housing crisis" and "To facilitate and expedite the return of this vital industry, it is

necessary to relieve any additional pressure on housing development as a result of the lapse in planning, finance, and construction due to the pandemic-induced recession. An essential component of ensuring the survival of the housing industry is proactively extending the life of the myriad state and local approvals, permits, and other entitlements required to develop and construct housing in California.” Additionally, Assembly Bill 1561, among other measures, extended the expiration, effectuation, or utilization of a housing entitlement, that was issued before, and was in effect on, March 4, 2020, and that will expire before December 31, 2021 by 18 months.

G. On November 8, 2021, the property owner, Alford Children’s Trust - 1992, submitted a time extension request to initiate the planning application process citing delays and impacts due to the COVID-19 pandemic, delays caused by contractors, and personal distress as unusual circumstances and strict compliance with the three-year limit is an undue hardship.

H. Pursuant to Malibu Municipal Code 17.060.020(C), property owners wishing to rebuild nonconforming structures and uses damaged or destroyed in the Woolsey Fire shall initiate the planning process by November 8, 2021. Said property owner submitted a time extension request to the Planning Department in a timely manner.

#### SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission determined the project to be categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3), which exempts those activities for which it can be seen with certainty that there is no potential to result in significant environmental effects. This Resolution is merely extending the time an applicant has to submit a planning verification for nonconforming structures and uses damages or destroyed by the Woolsey Fire. Further, this act is not a “project” pursuant to CEQA Guidelines section 15378(b)(5), which provides that organizational and administrative activities of governments that will not result in physical environmental impacts are not CEQA projects.

#### SECTION 3. Planning Commission Action.

The recitals above are adopted hereon, and the property owner has demonstrated to the satisfaction of the Planning Commission the necessity of a time extension to initiate the planning application process. The Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby grants the property owner a two-year time extension to submit a planning verification to rebuilding non-conforming uses or structures destroyed or damaged in the Woolsey Fire. A planning verification shall be submitted by November 8, 2023.

SECTION 4. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 22<sup>nd</sup> day of February, 2022.

---

KRAIG HILL, Planning Commission Chair

ATTEST:

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REBECCA EVANS, Recording Secretary

LOCAL APPEAL - Pursuant to Malibu Municipal Code Section 17.04.220 (Appeal of Action) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at [www.malibucity.org](http://www.malibucity.org), in person at City Hall, or by calling (310) 456-2489, ext. 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 22-16 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 22<sup>nd</sup> day of February, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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REBECCA EVANS, Recording Secretary

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 22-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A TWO-YEAR EXTENSION TO SUBMIT A PLANNING VERIFICATION FOR NONCONFORMING STRUCTURES AND USES DAMAGED OR DESTROYED IN THE WOOLSEY FIRE FOR THE PROPERTY LOCATED AT 6234 CAVALLERI ROAD (BOWMAN-SMITH)

The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. The 2018 Woolsey Fire destroyed at least 488 single-family homes in Malibu and over 640 parcels were damaged, destroyed, or affected by the Woolsey Fire.

B. On February 25, 2019, the City Council adopted Ordinance No. 445, amendments to the Malibu Municipal Code Title 17 (Zoning Ordinance) and the Local Coastal Program, to facilitate the rebuilding of structures damaged or destroyed by the 2018 Woolsey Fire. The Ordinance included deadlines for property owners to rebuild nonconforming structures and uses: two years from the date of damage to initiate a planning verification, four years from the date of damage or destruction to obtain building permits, and extensions to these deadlines may not total more than five years.

C. On December 14, 2020, approximately 50% of property owners of destroyed homes submitted a planning verification to rebuild homes, and as a desire to encourage the rebuilding of homes, the City Council adopted Ordinance No. 476, extending the deadlines to initiate the planning application process and obtain building permits by one year, and allowed for extensions of these deadlines to not total more than six years combined.

D. On September 28, 2020, the California State Legislature took measures to address the housing crises in California and adopted Assembly Bill 1561. Pursuant to Section 65914.5, the Legislature found that the COVID-19 pandemic “will drastically impact all segments of a complex ecosystem that delivers the essential housing California so desperately needs to combat the ongoing housing crisis.” and “To facilitate and expedite the return of this vital industry, it is necessary to relieve any additional pressure on housing development as a result of the lapse in planning, finance, and construction due to the pandemic-induced recession. An essential component of ensuring the survival of the housing industry is proactively extending the life of the myriad state and local approvals, permits, and other entitlements required to develop and construct housing in California.” Additionally, Assembly Bill 1561, among other measures, extended the expiration, effectuation, or utilization of a housing entitlement, that was issued before, and was in effect on, March 4, 2020, and that will expire before December 31, 2021 by 18 months.

E. Although Southern California Edison has reached settlement agreements with numerous parties arising from litigation claims related to the Woolsey Fire, numerous claims are in progress and this delay in securing funds has created an undue financial hardship and uncertainty for those affected.

F. On November 8, 2021, the property owner, Carla Bowman-Smith, submitted a time extension request to initiate the planning application process citing a pending settlement with Southern California Edison and financial hardship as unusual circumstances and strict compliance with the three-year limit is an undue hardship.

G. Pursuant to Malibu Municipal Code 17.060.020(C), property owners wishing to rebuild nonconforming structures and uses damaged or destroyed in the Woolsey Fire shall initiate the planning process by November 8, 2021. Said property owner submitted a time extension request to the Planning Department in a timely manner.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission determined the project to be categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3), which exempts those activities for which it can be seen with certainty that there is no potential to result in significant environmental effects. This Resolution is merely extending the time an applicant has to submit a planning verification for nonconforming structures and uses damages or destroyed by the Woolsey Fire. Further, this act is not a “project” pursuant to CEQA Guidelines section 15378(b)(5), which provides that organizational and administrative activities of governments that will not result in physical environmental impacts are not CEQA projects.

SECTION 3. Planning Commission Action.

The recitals above are adopted hereon, and the property owner has demonstrated to the satisfaction of the Planning Commission the necessity of a time extension to initiate the planning application process. The Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby grants the property owner a two-year time extension to submit a planning verification to rebuilding non-conforming uses or structures destroyed or damaged in the Woolsey Fire. A planning verification shall be submitted by November 8, 2023.

SECTION 4. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 22<sup>nd</sup> day of February, 2022.

---

KRAIG HILL, Planning Commission Chair

ATTEST:

---

REBECCA EVANS, Recording Secretary

LOCAL APPEAL - Pursuant to Malibu Municipal Code Section 17.04.220 (Appeal of Action) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at [www.malibucity.org](http://www.malibucity.org), in person at City Hall, or by calling (310) 456-2489, ext. 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 22-17 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 22<sup>nd</sup> day of February, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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REBECCA EVANS, Recording Secretary

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 22-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A TWO-YEAR EXTENSION TO SUBMIT A PLANNING VERIFICATION FOR NONCONFORMING STRUCTURES AND USES DAMAGED OR DESTROYED IN THE WOOLSEY FIRE FOR THE PROPERTY LOCATED AT 5941 BONSALL DRIVE (MUSELLI)

The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. The 2018 Woolsey Fire destroyed at least 488 single-family homes in Malibu and over 640 parcels were damaged, destroyed, or affected by the Woolsey Fire.

B. On February 25, 2019, the City Council adopted Ordinance No. 445, amendments to the Malibu Municipal Code Title 17 (Zoning Ordinance) and the Local Coastal Program, to facilitate the rebuilding of structures damaged or destroyed by the 2018 Woolsey Fire. The Ordinance included deadlines for property owners to rebuild nonconforming structures and uses: two years from the date of damage to initiate a planning verification, four years from the date of damage or destruction to obtain building permits, and extensions to these deadlines may not total more than five years.

C. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in response to the increased spread of COVID-19. Additionally, on March 4, 2020, the Los Angeles County Board of Supervisors and the Department of Public Health all declared a local and public health emergency in response to increased spread of COVID-19 across the country and in Los Angeles County. The President of the United States declared a federal emergency as a result of the spread of COVID-19. Said Federal and State emergencies have not been terminated.

D. On March 16, 2020, the City Council adopted Resolution No. 20-14 proclaiming a local emergency exist due to the COVID-19 pandemic and said local emergency has not been terminated.

E. On December 14, 2020, approximately 50% of property owners of destroyed homes submitted a planning verification to rebuild homes, and as a desire to encourage the rebuilding of homes, the City Council adopted Ordinance No. 476, extending the deadlines to initiate the Planning application process and obtain building permits by one year, and allowed for a extensions of these deadlines to not total more than six years combined.

F. On September 28, 2020, the California State Legislature took measures to address the housing crises in California and adopted Assembly Bill 1561. Pursuant to Section 65914.5, the Legislature found that the COVID-19 pandemic “will drastically impact all segments of a complex ecosystem that delivers the essential housing California so desperately needs to combat the ongoing housing crisis” and “To facilitate and expedite the return of this vital industry, it is necessary to relieve any additional pressure on housing development as a result of the lapse in

planning, finance, and construction due to the pandemic-induced recession. An essential component of ensuring the survival of the housing industry is proactively extending the life of the myriad state and local approvals, permits, and other entitlements required to develop and construct housing in California.” Additionally, Assembly Bill 1561, among other measures, extended the expiration, effectuation, or utilization of a housing entitlement, that was issued before, and was in effect on, March 4, 2020, and that will expire before December 31, 2021 by 18 months.

G. The California Department of Insurance received numerous complaints from policyholders about the challenges in temporary housing, delay in receiving payouts and the cost of reconstruction after a wildfire. As a result, on September 29, 2020, Governor Gavin Newsom approved Assembly Bills 2756, and 3012, and Senate Bill 872 to provide new insurance protections for wildfire survivors to recover and rebuild lost property. These bills recognize the ongoing challenges faced by those who must navigate the challenges of insurance companies and then construction obstacles all while dealing with temporary housing and other impacts of a devastating wildfire.

H. On November 8, 2021, property owners, Vince C. and Barbara Muselli, submitted a time extension request to initiate the planning application process citing personal family stress following the Woolsey Fire, delays due to COVID-19, and issues with the insurance carrier as unusual circumstances and strict compliance with the three-year limit is an undue hardship.

I. Pursuant to Malibu Municipal Code 17.060.020(C), property owners wishing to rebuild nonconforming structures and uses damaged or destroyed in the Woolsey Fire shall initiate the planning process by November 8, 2021. Said property owners submitted a time extension request to the Planning Department in a timely manner.

## SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission determined the project to be categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3), which exempts those activities for which it can be seen with certainty that there is no potential to result in significant environmental effects. This Resolution is merely extending the time an applicant has to submit a planning verification for nonconforming structures and uses damages or destroyed by the Woolsey Fire. Further, this act is not a “project” pursuant to CEQA Guidelines section 15378(b)(5), which provides that organizational and administrative activities of governments that will not result in physical environmental impacts are not CEQA projects.

## SECTION 3. Planning Commission Action.

The recitals above are adopted hereon, and the property owner has demonstrated to the satisfaction of the Planning Commission the necessity of a time extension to initiate the planning application process. The Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby grants the property owners a one-year time extension to submit a planning verification to rebuilding non-conforming uses or structures destroyed or damaged in the Woolsey Fire. A planning verification shall be

submitted by November 8, 2023.

SECTION 4. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 22<sup>nd</sup> day of February, 2022.

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KRAIG HILL, Planning Commission Chair

ATTEST:

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REBECCA EVANS, Recording Secretary

LOCAL APPEAL - Pursuant to Malibu Municipal Code Section 17.04.220 (Appeal of Action) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at [www.malibucity.org](http://www.malibucity.org), in person at City Hall, or by calling (310) 456-2489, ext. 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 22-18 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 22<sup>nd</sup> day of February, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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REBECCA EVANS, Recording Secretary