NOVEMBER 16, 2026 REGULAR MEETING

PLEASE DOWNLOAD THE AGENDA DOCUMENT FOR INSTRUCTIONS ON HOW TO PARTICIPATE IN THE MEETING.

1. Meeting Agenda

   Documents:

   PC261116_AGENDA.PDF

2. Item 3B1

   Extension of Planning Verification-Woolsey Fire No. 24-037 / 27487 Latigo Bay View Drive

   Documents:

   PC261116_ITEM 3B1.PDF

3. Item 3B2

   Extension of Planning Verification-Woolsey Fire No. 20-088 / 29718 Cuthbert Road

   Documents:

   PC261116_ITEM 3B2.PDF

4. Item 3B3

   Extension of Planning Verification-Woolsey Fire No. 21-056 / 29675 Cuthbert Road

   Documents:

   PC261116_ITEM 3B3.PDF

5. Item 3B4

   Extension of Planning Verification-Woolsey Fire No. 24-022 / 31220 Anacapa View Drive

   Documents:

   PC261116_ITEM 3B4.PDF

6. Item 3B5

   Extension of Planning Verification-Woolsey Fire No. 24-016 / 7002 Birdview Avenue

   Documents:

PC261116_ITEM 3B5.PDF

7. Item 3B6

   Extension of Planning Verification-Woolsey Fire No. 23-002 / 30103 Harvester Road

   Documents:

   PC261116_ITEM 3B6.PDF

8. Item 3B7

   Administrative Coastal Development Permit No. 19-070 / 6608 Portshead Road

   Documents:

   PC261116_ITEM 3B7.PDF

HOW TO VIEW THE MEETING: The meeting will be live streamed at www.malibucity.org/video and via Zoom Webinar.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence to planningcommission@malibucity.org at least three days prior to the meeting to provide adequate time for Commissioner consideration. Correspondence will continue to be processed until thirty minutes prior to the start of the meeting or as practical.

HOW TO PARTICIPATE IN-PERSON DURING THE MEETING: In order to participate in-person, each speaker must complete and submit to the Recording Secretary a Request to Speak form and be present in the Council Chambers or meeting room when the item is called by the Chair. In-person participants may also surrender their opportunity to speak on a particular item to donate one minute to another in-person speaker, not to exceed a total of eight minutes.

HOW TO PARTICIPATE REMOTELY DURING THE MEETING: The City has been experiencing extreme technical issues with its broadcast and Zoom capabilities. It is strongly recommended that those who wish to participate do so in person as Zoom participation is not guaranteed. While the City intends to allow Zoom participation if possible, the meeting will not be cancelled or continued if technical difficulties impact the ability to accept public participation over Zoom. In such case only in-person participation will be allowed. In order to participate remotely, you must be present in the Zoom meeting and use the Raise Hand feature to request to speak when the Chair calls the item. When you join the Zoom meeting you may see a pop-up asking you to enter an email address, but a valid email address is not required.

Please visit https://malibucity.org/VirtualMeeting and follow the directions to stream the live meeting or learn how to use the Zoom application.

Malibu Planning Commission
Regular Meeting Agenda

Monday, November 16, 2026

6:30 PM – REGULAR PLANNING COMMISSION MEETING

City Hall – Council Chambers
23825 Stuart Ranch Road

Zoom Meeting Link:
https://us02web.zoom.us/j/84438477395

Call to Order - Chair

Roll Call - Recording Secretary

Pledge of Allegiance

Approval of Agenda

Report on Posting of Agenda – November 6, 2026

1. Ceremonial/Presentations

None.

2. Written and Oral Communications from the Public

A. Communications from the public concerning matters which are not on the agenda but for which the Planning Commission has subject matter jurisdiction. The Commission may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda. Subject to the rules of the Brown Act and the Planning Commission's Rules of Procedure and Decorum, the time allotted per Planning Commissioner to respond to public comment and ask staff to follow-up is three (3) minutes.

B. Community Development Director Report

3. Consent Calendar

A. Previously Discussed Items

None.

B. New Items

1. Extension of Planning Verification-Woolsey Fire No. 24-037 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire

   Location: 27487 Latigo Bay View Drive
   APN: 4460-035-010
   Owner: Michael O. Johnson Trust
   Staff Contact: Senior Management Analyst Evans, 456-2489, ext. 246

   Recommended Action: Adopt Planning Commission Resolution No. 26-64 granting a three-year extension to obtain a building permit for Planning Verification-Woolsey Fire No. 24-037 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Twenty-Acre zoning district at 27487 Latigo Bay View Drive (Michael O. Johnson Trust).

2. Extension of Planning Verification-Woolsey Fire No. 20-088 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire

   Location: 29718 Cuthbert Road
   APN: 4469-011-001
   Owner: Shane & Dillon LLC
   Staff Contact: Senior Management Analyst Evans, 456-2489, ext. 246

   Recommended Action: Adopt Planning Commission Resolution No. 26-69 granting an eighteen-month extension to obtain a building permit for Planning Verification-Woolsey Fire No. 20-088 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Two-Acre zoning district at 29718 Cuthbert Road (Shane & Dillon LLC).

3. Extension of Planning Verification-Woolsey Fire No. 21-056 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire

   Location: 29675 Cuthbert Road
   APN: 4469-008-009
   Owner: A & B 28 Development LLC
   Staff Contact: Senior Management Analyst Evans, 456-2489, ext. 246

   Recommended Action: Adopt Planning Commission Resolution No. 26-68 granting an eighteen-month extension to obtain a building permit for Planning Verification-Woolsey Fire No. 21-056 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Two-Acre zoning district at 29675 Cuthbert Road (A & B 28 Development LLC).

4. Extension of Planning Verification-Woolsey Fire No. 24-022 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire

   Location: 31220 Anacapa View Drive
   APN: 4470-004-017
   Owner: High Desert Development, LLC
   Staff Contact: Senior Management Analyst Evans, 456-2489, ext. 246

   Recommended Action: Adopt Planning Commission Resolution No. 26-70 granting an eighteen-month extension to obtain a building permit for Planning Verification-Woolsey Fire No. 24-022 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Five-Acre zoning district at 31220 Anacapa View Drive (High Desert Development, LLC).

5. Extension of Planning Verification-Woolsey Fire No. 24-016 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire

   Location: 7002 Birdview Avenue
   APN: 4468-006-008
   Owner: Leah Tuvia, Shlomo Tuvia and Maya Tuvia
   Staff Contact: Senior Management Analyst Evans, 456-2489, ext. 246

   Recommended Action: Adopt Planning Commission Resolution No. 26-71 granting an eighteen-month extension to obtain a building permit for Planning Verification-Woolsey Fire No. 24-016 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, One-Acre zoning district at 7002 Birdview Avenue (Leah Tuvia, Shlomo Tuvia and Maya Tuvia).

6. Extension of Planning Verification-Woolsey Fire No. 23-002 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire

Location: 30103 Harvester Road
APN: 4469-044-009
Owner: Golden State Family Trust and Bing Xu Liu and Lixian Liu Trust
Staff Contact: Senior Management Analyst Evans, 456-2489, ext. 246

Recommended Action: Adopt Planning Commission Resolution No. 26-72 granting an eighteen-month extension to obtain a building permit for Planning Verification-Woolsey Fire No. 23-002 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Two-Acre zoning district at 30103 Harvester Road (Golden State Family Trust and Bing Xu Liu and Lixian Liu Trust).

7. Administrative Coastal Development Permit No. 19-070, Site Plan Review No. 26-035 and Demolition Permit No. 19-039 – An application to construct a 1,104 square-foot single-story addition to an existing 1,800 square-foot single-family residence, including the demolition and conversion of an existing detached guest house as part of the addition to the existing main house, new onsite wastewater treatment system, after-the-fact remodel to an existing detached garage, and exterior wall demolition resulting in approximately 22 percent and 84 percent demolition of the lineal feet of the single-family residence and guest house, respectively; including a site plan review for construction in excess of 18 feet in height up to a maximum of 18 feet, 2 inches for a pitched roof for the detached garage (Continued from November 2, 2026)

Location: 6608 Portshead Road, not within the appealable coastal zone
APN: 4466-019-006
Owner: 6608 Portshead Road Trust
Case Planner: Associate Planner da Silva, 456-2489, ext. 314

Recommended Action: Receive and file the Community Development Director's report on the approval of revised Administrative Coastal Development Permit No. 19-070.

4. Continued Public Hearings

None.

5. New Public Hearings

None.

6. Old Business

None.

7. New Business

None.

8. Planning Commission Items

A. Planning Commission and staff comments and inquiries

Adjournment

Future Meetings

Monday, December 7, 2026	6:30 PM Regular Planning Commission Meeting	City Hall Council Chambers
Monday, December 21, 2026	6:30 PM Regular Planning Commission Meeting	City Hall Council Chambers
Monday, January 4, 2027	CANCELLED	
Monday, January 19, 2027	6:30 PM Regular Planning Commission Meeting	City Hall Council Chambers

Guide to the Planning Commission Proceedings

The Oral Communication portion of the agenda is for members of the public to present items, which are not listed on the agenda but are under the subject matter jurisdiction of the Planning Commission. No action may be taken under, except to direct staff, unless the Commission, by a two-thirds vote, determines that there is a need to take immediate action and that need came to the attention of the City after the posting of the agenda. Although no action may be taken, the Commission and staff will follow up, at an appropriate time, on those items needing response. Each speaker is limited to three minutes. Members of the public may speak during the meeting in-person or through the Zoom application, although it is strongly recommended that those who wish to participate do so in person. While the City intends to allow zoom participation, the meeting will not be cancelled or continued if technical difficulties impact the ability to accept public comment over Zoom. In order to participate remotely, you must be present in the Zoom meeting and use the Raise Hand feature to request to speak when the Chair calls the item. In order to participate in-person, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Chair. In person participants may surrender their time by donating one minute to another speaker, not to exceed a total of eight minutes. The speaker wishing to donate time must be present when the item is heard and their form must be submitted with the speaker form for the individual they are donating time to. Speakers are taken in the order slips are submitted. In-person speakers will be called prior to Zoom speakers

Items in Consent Calendar Section A have already been considered by the Commission at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Commission. If discussion is desired, an item may be removed from the Consent Calendar for individual consideration. Commissioners may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from the Consent Calendar will be taken up by the Commission following the action on the Consent Calendar. The Commission first will take up the items for which public speaker requests have been submitted.

For Public Hearings involving zoning matters the appellant and applicant will be given 15 minutes each to present their position to the Planning Commission, including rebuttal time. All other testimony shall follow the rules as set forth under Oral Communication.

Old Business items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment shall follow the rules as set forth under Oral Communication.

Items in New Business are items which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Oral Communication.

Planning Commission Items are items which individual members of the Planning Commission may bring up for action, to propose future agenda items or to suggest future staff assignments. No new items will be taken-up after 10:30 p.m. without a majority vote of the Planning Commission.

Planning Commission meetings are aired live and replayed on City of Malibu Government Access Channel 3 and are available on demand on the City's website at https://www.malibucity.org/video. Copies of the staff reports or other written documentation relating to each item of business described above are available upon request by emailing planningcommission@malibucity.org.

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Community Development Director Yolanda Bundy, (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II].

Requests to show an audio or video presentation during a Commission meeting should be directed to the Media Team at media@malibucity.org. Material must be submitted by 12:00 PM on the meeting day.

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 6th day of November 2026 at 3:30 PM.



Rebecca Evans, Senior Management Analyst

Commission Agenda Report

Planning Commission Meeting
11-16-26
Item 3.B.1.

To: Chair Kamins and Members of the Planning Commission

Prepared by: Rebecca Evans, MS, Senior Management Analyst

Reviewed by: Tyler Eaton, AICP, Assistant Community Development Director

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director

Date prepared: November 5, 2026 Meeting date: November 16, 2026

Subject: Extension of Planning Verification-Woolsey Fire No. 24-037 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire

Location: 27487 Latigo Bay View Drive
APN: 4460-035-010
Owner: Michael O. Johnson Trust

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 26-64 (Attachment 1) granting a three-year extension to obtain a building permit for Planning Verification-Woolsey Fire No. 24-037 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Twenty-Acre zoning district at 27487 Latigo Bay View Drive (Michael O. Johnson Trust).

DISCUSSION: On November 8, 2018, the Woolsey Fire destroyed 465 homes in the City of Malibu. On March 12, 2025, the City Council adopted Ordinance No. 524 (Attachment 3), which extended the ability to initiate the planning application process and obtain a building permit to rebuild a structure that was damaged or destroyed by a disaster. Section 17.60.020(C) of the Malibu Municipal Code was amended to read as follows:

> Any structure, including any structure that was damaged or destroyed by a natural disaster, 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. Structures that were damaged or destroyed by a

> natural disaster may be permitted, at the discretion of the planning director through approval of a planning verification, to increase the square footage, height or bulk permitted by this title by 10 percent of the existing or previously existing square footage, height or bulk of the structure. Increased height or bulk on non-beachfront properties shall not exceed 18 feet, unless a site plan review is obtained, and increased square footage shall not exceed the limits of Section 17.40.040(A)(13). The application for the reconstruction must be initiated with the city within six years of the date of damage or destruction, and a building permit must be diligently pursued and obtained within eight years from the date of damage or destruction and not become expired. A request for an extension of time past the six-year or eight-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 six- or eight-year limit creates an undue hardship. Extensions for applications may not total more than three years for a maximum total of nine years from the date of the disaster. Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

Absent a time extension, a building permit would need to be obtained for Planning Verification-Woolsey Fire (PVWF) No. 24-037 no later than November 9, 2026. On October 20, 2026, applicant Evan Contino, on behalf of owner Michael O. Johnson Trust, submitted a request for a three-year time extension to the deadline to obtain a building permit for a nonconforming less than in-kind disaster rebuild of a single-family residence, pool cabana and pool.

The Woolsey Fire rebuild was delayed by escalating costs of construction, financial hardship and the trustee's personal injury which required extensive rehabilitation. The owner has diligently pursued rebuilding and has an approved PVWF. The owner's basis for due cause is included as Attachment 2.

CONCLUSION: Should the Planning Commission approve the time extension request, the owner would have until November 8, 2029 to obtain a building permit for PVWF No. 24-037.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-64
2. Time Extension Request
3. City Council Ordinance No. 524

All referenced City Council and Planning Commission records are available for review at http://www.malibucity.org/onbase.

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-64

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A THREE-YEAR EXTENSION TO OBTAIN A BUILDING PERMIT FOR PLANNING VERIFICATION-WOOLSEY FIRE NO. 23-003 TO REBUILD NONCONFORMING USES OR STRUCTURES DAMAGED OR DESTROYED IN THE WOOLSEY FIRE FOR THE PROPERTY LOCATED IN THE RURAL RESIDENTIAL, TWENTY-ACRE ZONING DISTRICT AT 27487 LATIGO BAY VIEW DRIVE (MICHAEL O. JOHNSON 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-Woolsey Fire (PVWF), four years from the date of damage or destruction to obtain building permits, and extensions to these deadlines could not total more than five years.

C. On December 14, 2020, approximately 50 percent of property owners of destroyed homes had submitted a PVWF to rebuild homes. Due to 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 January 8, 2024, City Council adopted Ordinance No. 513, which extended the ability to initiate a PVWF within six years of the date of damage or destruction to November 8, 2024, with the ability for the Planning Commission to grant extensions when strict compliance created an undue hardship. Extensions could not total more than nine years. In addition, the deadline to obtain building permits was extended to November 8, 2026.

E. On March 12, 2025 following the 2025 Palisades Fire, City Council adopted Ordinance No. 524, which included an amendment to Malibu Municipal Code Section 17.60.020(C) to allow the Planning Commission to consider requests for an extension of time to obtain a building permit for structures damaged or destroyed by a natural disaster for a maximum total of eleven years from the date of the disaster (November 8, 2029 for the Woolsey Fire).

F. On August 8, 2025, Planning Verification-Woolsey Fire (PVWF) No. 24-027 was approved.

G. On October 20, 2026, applicant Evan Contino, on behalf of owner Michael O. Johnson Trust, submitted an application requesting a three-year extension to the November 8, 2026 deadline to obtain a building permit for a smaller than in-kind rebuild of nonconforming uses or structures. The Woolsey Fire destroyed the single-family residence, pool cabana and pool. The owner cited financial hardship, personal injury with extensive rehabilitation and escalating costs of construction as factors which have delayed development. The owner has diligently pursued rebuilding and has an approved PVWF but requests additional time to obtain a building permit.

H. On November 16, 2026, the Planning Commission held a duly noticed public hearing on the request, reviewed and considered the agenda report, reviewed and considered written correspondence, public testimony, and other information in the record.

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 obtain a building permit for nonconforming structures and uses damaged 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.

Based on substantial evidence in the record, the Planning Commission finds that, due to unusual circumstances, strict compliance with the eight-year time limit imposed by Malibu Municipal Code Section 17.60.020(C) would create an undue hardship. 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 obtain a building permit for PVWF No. 24-027. 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 three-year time extension to obtain a building permit for PVWF No. 24-027 to rebuild non-conforming uses or structures destroyed or damaged in the Woolsey Fire. Said building permit shall be obtained by November 8, 2029.

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

PASSED, APPROVED AND ADOPTED this 16th day of November, 2026.

MARNI KAMINS, 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, in person at City Hall, or by calling (310) 456-2489, ext. 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-64 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 16th day of November, 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

REBECCA EVANS, Recording Secretary

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · www.malibucity.org

Received
10/20/26
Planning Div.

WOOLSEY FIRE
Non-Conforming In-kind Disaster Rebuild
Building Permit Time Extension Request

The City of Malibu will not accept incomplete applications.

Staff use only

EXTWF No. 26-013

Woolsey Fire Extension No. _____

To submit a Woolsey Fire building permit time extension request:

To request a time extension to obtain building permits for a previously approved Planning Verification for a non-conforming in-kind rebuild, the request must be timely received by the Planning Division in person or via email to planningadmin@malibucity.org. The deadline to submit a Woolsey Fire building permit time extension request is **November 8, 2026**. Per California Code of Civil Procedure Section 12(a), because this falls on a weekend, the City will accept requests received and paid on the next business day, Monday, November 9, 2026, by 5:30 PM.

Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster, with maximum extension to **NOVEMBER 8, 2029**. For questions about this form, please email revans@malibucity.org.

Site Address: 27487 Latigo Bay View Drive

Planning Verification-Woolsey Fire No: PVPF24-027 **(if applicable)**

ALL of the following must be timely filed to perfect a time extension request.

1. **Time Extension Checklist** Y____

   This form with property owner's signature

2. **Time Extension to Obtain Building Permits Request Letter** Y____

   A letter setting forth unusual circumstances that render strict compliance to the deadline an undue hardship. Property Owners are encouraged to provide evidence of such hardship. This letter and evidence will be provided to the Planning Commission. I am requesting an extension for 3 year(s).

3. **Time Extension Fee** (Director: $723) (Planning Commission: $2,600) or currently adopted fee Y____

4. **Property Owner's /Occupant's Information**

Name: Michael O. Johnson

Property Owner's mailing Address: 27475 Latigo Bay View Drive

Malibu CA 90265

Property Owner's telephone: 310-593-3771

Property Owner's email address: moj@mojo622.com

5. **Proof of Ownership / Authorized Representatives** Y

If grant deed or title report is held by an LLC or Trust, submit Operating Agreement for LLC or Trust Documents for Trusts to identify authorized representatives

6. **Applicant's Information**

If an applicant is submitting this form on behalf of the property owner, the Authorization to Submit a Project must be filled out and returned with this form.

Name: Evan Contino, ELC Studio

Applicant's mailing address: 930 California Ave. #302

Santa Monica CA 90403

Applicant's telephone: 646-704-1775

Applicant's email address: evan.contino@gmail.com

7. **Acknowledgements**

MMC Section 17.60.020(A) 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."

Pursuant to MMC Section 17.60.020(C), any structure described in subsection Section 17.60.020 (A), 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 six years of the date of damage or destruction, and a building permit is diligently pursued and obtained within eight years from the date of damage or destruction and has not expired. A request for an extension of time to the six-year or eight-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 six- or eight-year limit creates an undue hardship. **Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster**. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

I hereby certify that I am presently the legal owner of the above-described property and have read MMC Sections 17.60.020(A) and (C).

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
	Michael O. Johnson	10-19-2026
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE

I hereby certify that the time extension request submittal contains all of the above items. I understand that if any of the items are missing or subsequently deficient, the time extension shall be deemed to have been withdrawn and the request is invalid. I acknowledge that the City strongly encourages me to immediately calendar the expiration date of this permit, that it is my responsibility to monitor its status and that the City has no ability to provide relief when a permit has expired.

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
	Michael O. Johnson	10-19-2026
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE

8. Indemnification Clause

The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
	Michael O. Johnson	10-19-2026
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE

Note: November 8, 2024 was the deadline to submit a time extension request to submit a <u>Planning Verification</u> for non-conforming structures damaged or destroyed in the Woolsey Fire. No request to extend the deadline to submit a Planning Verification can be accepted at this time.

ELC STUDIO

Planning Department
23825 Stuart Ranch Road
Malibu CA 90265

27487 LATIGO BAY VIEW
TIME EXTENSION REQUEST
October 15th, 2026

Dear Planning Department,

I am writing this letter on behalf of my client and property owner, Michael O. Johnson, of 27487 Latigo Bay View Drive, Malibu CA 90265. The previous home on the property burned down in 2018 in the Woolsey Fire. 2 years ago in September of 2024, Michael purchased the property from the original owner's and hired my company to prepare like-for-like plans to rebuild the previous house and structures in the same footprint for him, his wife, and his family.

Architectural plans were submitted for planning verification review (PV) in November of 2024 with reduced square footage from the pre-fire home as costs associated with rebuilding, construction, and engineering were rising and becoming prohibitive to build. Planning PV approval was received in August of 2025 and engineers - geo/soil, civil, structural, and MEP were hired in October/November of 2025 to prepare plan check drawings.

That December holiday season in 2025, Michael tore his achilles, could not walk, and was in rehabilitation for several months. With his health and the cost of medical assistance and care creating a burden, rebuilding the home had to be put on hold. As he began recuperating, architectural plans and engineering resumed and were completed in August of 2026 and submitted to plan check, fees paid, and the plan check review actively underway by all city departments.

Michael has spent substantial fees to date in rebuilding this home - architectural fees, civil engineering, structural engineering, geo/soil engineering, MEP engineering, and energy analysis. In addition to this, Michael has also paid the planning PV review fees, and all plan check fees including building and safety review, geology, public works, and environmental health review, along with fees to the fire department for both site/water/access review and building occupancy review.

Michael's goal was always to have all city approvals in place with construction permits pulled way ahead of the Woolsey Fire deadline of November 8th, 2026 - but unfortunately was not possible when he ended up not being able to walk and needing rehabilitation for several months earlier this year. Even with this encumbrance, he has pushed this project full steam ahead once he recovered this past spring with the goal to still be construction permit ready by the deadline. While we await plan check review comments and with the deadline nearly approaching, we would like to ask for an extension to pull construction permits - though not much additional time will be needed. Michael, his wife, and his family are heavily invested in the rebuilding of this home both emotionally and financially. They have a licensed general contractor with Malibu experience already engaged and intend to pull construction permits as soon as they are able to and commence with grading as soon as it is allowable.

Thank you very much for your consideration,



Evan Contino – ELC Studio

ORDINANCE NO. 524

AN ORDINANCE OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT 25-001, AN AMENDMENT TO THE LOCAL COASTAL PROGRAM AND ZONING TEXT AMENDMENT NO. 25-001, AN AMENDMENT TO TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE UPDATING REGULATIONS TO FACILITATE THE REBUILDING OF STRUCTURES DAMAGED OR DESTROYED BY NATURAL DISASTERS, INCLUDING BUT NOT LIMITED TO, THE 2025 PALISADES FIRE, 2024 FRANKLIN FIRE, AND 2024 BROAD FIRE TO PROVIDE RELIEF FOR THOSE AFFECTED, AND FINDING THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Recitals.

A. On November 6, 2024, the Broad Fire began and destroyed structures on at least 4 properties in Malibu leaving residents with an urgent need to rebuild.

B. On December 9, 2024, the Franklin Fire destroyed structures on at least 38 properties in Malibu leaving residents with an urgent need to rebuild.

C. On January 7, 2025, the Palisades Fire destroyed structures on over 700 properties in Malibu leaving residents with an urgent need to rebuild. The Governor of California has declared the event a State of Emergency and the President of the United States has declared the event a Federal Emergency.

D. On January 27, 2025, the City Council adopted Resolution No. 25-06 to: 1) initiate a Local Coastal Program (LCP) amendment and zoning text amendment to consider changes to the Malibu LCP and Title 17 (Zoning) of the Malibu Municipal Code (MMC) to facilitate the rebuilding of structures damaged or destroyed by the 2025 Palisades Fire, 2024 Franklin Fire, and 2024 Broad Fire and provide relief for those affected by the fires; 2) Bypass the Zoning Ordinance Revisions and Code Enforcement Subcommittee and directed the Planning Commission to schedule a public hearing regarding the same.

E. On January 30, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

F. On February 6, 2025, a Notice of Planning Commission Public Hearing was republished in a newspaper of general circulation within the City of Malibu as a courtesy.

G. On February 13, 2025, Governor Newsom issued Executive Order N-20-25, which suspended requirements of the California Environmental Quality Act and California Coastal Act for Palisades Fire rebuilds and related issues.

H. On February 13, 2025, a Notice of Availability of Local Coastal Program Amendment (LCPA) Documents and a Notice of City Council Public Hearings for both the March 4, 2025 and March 10, 2025 meetings were published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

I. On February 20, 2025, the Planning Commission held a duly noticed public hearing on the proposed rebuild amendments on LCPA 25-001 and ZTA No.25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record.

J. On March 4, 2025, the City Council held a meeting which included a public workshop on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council completed the public workshop and adjourned the public hearing to March 5, 2025.

K. On March 5, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The meeting was adjourned to March 6, 2025.

L. On March 6, 2025, the City Council continued the public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on first reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001 as recommended by staff with the additional changes presented at the March 6, 2025 meeting. The City Council adopted Urgency Ordinance No. 524U for the Malibu Municipal Code amendments to go into effect immediately.

M. On March 10, 2025, the City Council continued the public hearing for the second reading to March 12, 2025.

N. On March 12, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on second reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001.

SECTION 2. Environmental Review.

Pursuant to Public Resources Code Section 21080.9, California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. LCP Local Implementation Plan (LIP) Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and the City's Zoning Ordinance. In order to prevent

inconsistency between the LCP and the City's Zoning Ordinance, if the LCPA is approved, the City must also approve the corollary amendment to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCPA and because they are entirely dependent on, related to, and duplicative of the exempt activity, they are subject to the same CEQA exemption.

Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Planning Commission determined that there is no possibility the amendment will have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies. The amendments to the MMC that are not corollary to the LCP can be seen not to have a significant effect on the environment as they merely create permit and fine requirements and allow structures that existed previously to be rebuilt in the same location with substantially the same purpose and capacity as the structure that would be replaced, while also further protecting coastal resources and hazard protections.

SECTION 3. Local Coastal Program Findings.

Based on evidence contained within the record, including the agenda reports for and the hearings on February 20 and March 4, 2025, the City Council hereby finds that the proposed amendment meets the requirements of, and is in conformance with, the policies and requirements of Chapter 3 of the California Coastal Act.

A. The amendments to the LCP meet the requirements of, and are in conformance with the goals, objectives and purposes of the LCP. Updated development standards specific to rebuild projects that were destroyed in natural disaster and relief for those affected, ensure that development standards are in place to facilitate people getting their properties back to where they were before the natural disaster while also incorporating measures that will further enhance and protect coastal resources. Development standards were carefully crafted to meet the goals of the of the LCP.

B. As a part of the LIP, the updated development standards specific to rebuild projects that were destroyed in natural disaster and providing relief for those affected ensure that future development projects and land uses within specific zoning districts conform to applicable LCP policies, goals, and provisions, while taking into consideration the protection and enhancement of visual resources, public access, and recreation opportunities. Incorporating specific requirements for rebuild structures to avoid coastal accessways, be sited the most landward feasible and the installation of structures that will protect the coastal resources from contamination greater than current.

SECTION 4. Zoning Text Amendment Findings.

Pursuant to Malibu Municipal Code Section 17.74.040, the City Council hereby makes the following findings:

A. The subject zoning text amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The proposed amendment serves to enhance the Malibu General Plan Mission Statement, protect public safety and preserve Malibu's natural and cultural resources.

B. The City Council held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan, Malibu Municipal Code and the Malibu Local Coastal Program, and finds that the zoning text amendment is consistent and recommends approval.

SECTION 5. Local Coastal Program Amendment No. 25-001, Amendments to the Local Implementation Plan (LIP).

The City Council hereby amends the LIP as follows:

A. Amend Section 2.1 related to LIP definitions to include the following:

SECONDARY DEVELOPMENT PAD - a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

PRIMARY DEVELOPMENT PAD - the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 3.6(M)(1) related to residential development standards for temporary homes, to read as follows:

1. No more than two temporary housing structures which together total no more than one thousand (1,000) square feet shall be permitted.

C. Amend LIP Section 13.4.6(A) and (B), and add Section 13.4.6(A)(4) related to coastal development permit exemptions, to read as follows:

A. The replacement of any structure, other than a public works facility, destroyed by a disaster provided that the replacement structure meets all the of the following criteria:

1. It is for the same use as the destroyed structure;
2. It does not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent, and

3. It is sited in substantially the same location on the affected property as the destroyed structure.

As used in this section, "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

4. Mechanized equipment or temporary shoring on the beach necessary to construct the replacement structure is allowed under this exemption for beachfront properties only if there are no feasible alternatives and construction activities do not enter the intertidal zone or extend beyond the previously existing primary development pad and appropriate Best Management Practices are used.

B. An onsite wastewater treatment system (OWTS) that was damaged or destroyed by a natural disaster may be replaced and improved provided that the replacement OWTS is located within the existing primary development pad and is the minimum standard size necessary to meet the building code for the existing or replacement structure it serves. If the new OWTS exceeds the minimum standard size or is located outside the primary development pad, then a De Minimis Waiver or OWTS Coastal Development Permit shall be required as applicable by Sections 13.4.11 and 13.29 respectively. For OWTS replacements on or adjacent to a sandy beach or coastal bluff, the OWTS shall be sited in the most landward location feasible and may not extend further seaward than the existing and/or previously existing seawall, whichever is more landward.

D. Amend LIP Section 13.4.11(A) and (A)(1) and (2), and add subsections (3), (4), (5), and (6); Amend 13.4.11(B)(1),(2), (3), and (5); Amend 13.4.11(C)(2) and(3); and amend 13.4.11(D), related to general requirements for de minimis waiver, to read as follows:

13.4.11 General Requirements for De Minimis Waiver

A. General Requirements for De Minimis Waiver.

The requirement for a coastal development permit may be waived through a De Minimis Coastal Development Permit Waiver issued by the planning director for the items listed below where the improvements are not otherwise exempt pursuant to Section 13.4, provided all the requirements of subsections B and C are met. The planning director's decision on whether to issue a de minimis waiver is not locally appealable; however if the development is within the appealable jurisdiction of the California Coastal Commission, the decision of the planning director is appealable to the Coastal Commission as described below in subsection (C).

1. Improvements to an onsite wastewater treatment system (OWTS) serving a structure that replaces one that was damaged or destroyed as a result of a natural disaster, where the improvements involve installing a new system or upgrading an

existing system to an advanced system on the same lot and does not meet the exemption criteria of Section 13.4.6(B).

2. Minor improvements to existing driveways or access roads that are required by the fire department after a natural disaster, such as minor changes to the width or grade of driveways or access roads. This includes accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement, including new cuts on slopes steeper than 3:1 but less than 1:1, subject to geotechnical feasibility review. Retaining walls shall not exceed six (6) feet in height. New retaining walls that replace an existing wall being removed as a result of the driveway widening are allowed to be replaced to the same height of previous wall and may increase in height by a maximum of three (3) additional feet but shall not have a total height in excess of nine (9) feet. Access improvements that do not meet the findings for a waiver may be processed as an administrative coastal development permit (ACDP) under Section 13.13.1(A) or as a regular coastal development permit.
3. Replacement seawalls that exceed ten (10) percent in height. The replacement seawall shall be sited in the same footprint as the previous seawall and shall not expand further seaward nor shall it extend further into an existing public access easement, deed restriction or view corridor.
4. Increases in the previous finished floor elevation for structures that replace one that was damaged or destroyed as result of a natural disaster, where the previous finished floor elevation must be raised to a higher elevation to meet Federal Emergency Management Agency (FEMA) flood zone requirements as determined by the City's floodplain administrator. Such increase shall not exceed the increase in elevation to the finished floor required to meet the minimum FEMA flood zone requirements. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.
5. Replacement structures that would otherwise be exempt from the requirement to obtain a coastal development permit pursuant to Section 13.4.6(A) but are proposed to be sited not in substantially the same location where the damaged or destroyed structure was located so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration. This waiver may include retaining walls and grading necessary for the construction of the relocated structure, but cuts may not be made into slopes steeper than 1:1 and retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet.
6. Water tanks and other water storage devices necessary to construct, install, or use a replacement structure that was damaged or destroyed by a natural disaster and as required or recommended by applicable federal, state and local laws and regulations. New shoreline protection devices are not included under this waiver.

B. Findings for and Reporting of De Minimis Waivers.

All decisions on de minimis waivers shall be accompanied by written findings:

1. That the structures or improvements have no potential for adverse effects, either individually or cumulatively, on coastal resources or public access to the shoreline or along the coast.
2. That the structures or improvements are consistent with the certified Malibu Local Coastal Program, including the resource protection policies, as applicable.
3. If an OWTS is to be relocated on the lot, that the director, in consultation with the environmental health administrator, has determined the relocation is necessary to better protect coastal resources and if on a beachfront lot, is no further seaward than the existing OWTS or no further seaward than the previously existing seawall, whichever is further landward.
4. If driveway/road improvements are proposed, that: (a) they are in the same general alignment as the existing road; (b) they are not located in environmentally sensitive habitat area (ESHA); (c) they do not remove or encroach within the protected zone of native trees; and (d) they do not adversely impact visual resources.
5. For relocation pursuant to Section 13.4.11(A)(5), that the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and primarily safety.

C. Reporting De Minimis Waiver.

1. At the time the application is submitted for filing, the applicant must post, at a conspicuous place as close to the site as possible that is easily accessible by the public and approved by the city, notice, on a form approved by the city, that an application for a de minimis waiver has been submitted to the city. Such notice shall contain a general description of the nature of the proposed development.
2. The planning director shall issue a notice of determination on the application which shall be reported to the planning commission. The notice of determination shall be provided to all known interested parties, including the executive director of the coastal commission, at least ten (10) days prior to the waiver determination being reported to the planning commission. For development within the appealable jurisdiction of the California Commission, the planning director's decision may be appealed by an aggrieved person directly to the California Coastal Commission within ten (10) working days of issuance of the notice of determination only if the development is one of the four types of development listed in the definition of Appealable Coastal Development Permit.
3. If, after consideration of the waiver and any public objections to it, the planning commission requests that the waiver not be effective, then the applicant shall be advised that a Coastal development permit is required for the structures or improvements. Otherwise, the waiver is effective immediately after the planning commission meeting where the matter is heard.

D. Waiver Expiration.

A de minimis waiver shall expire and be of no further force and effect if the authorized structures or improvements are not commenced pursuant to a valid grading and/or building permit, as applicable, within five years of the effective date of the waiver. If expired, a coastal development permit or another waiver shall be required.

SECTION 6. Zoning Text Amendment No. 25-001, Amendments to the Malibu Municipal Code (MMC).

The City Council hereby amends Title 17 - Zoning in the MMC as follows:

A. Amend Section 17.02.060 related to definitions to include the following:

"Secondary development pad" means a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

"Primary development pad" means the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 17.40.040(A)(18)(a) and (g) and add subsections (i), (j), and (k) to read as follows:

18. Temporary Housing. Temporary housing structures as used herein means mobilehomes, trailers, recreational vehicles or other structures which are self-contained units which include sanitary facilities, and facilities for normal daily routines including cooking and sleeping. Temporary housing structures do not include any structure placed upon a permanent foundation, nor do they include tents, yurts, or similar fabric or textile installations. Temporary housing structures used as a residence during reconstruction or in anticipation of reconstruction of a residence destroyed due to natural disaster shall be permitted with a temporary housing permit approved by the Planning Director and shall comply with the following conditions:

a. No more than two temporary housing structures which together total no more than 1,000 square feet shall be permitted.

g. Upon expiration of the temporary housing permit, the property owner shall obtain verification from the city that all temporary housing structures have been removed

from the property. Failure to obtain this verification shall result in a fine of $1,000 per day until the verification is obtained.

i. The temporary housing structures shall be occupied only by the property owner(s) or tenant(s) living on the property at the date of the natural disaster, or their families. Should this requirement be violated, the temporary housing structures must be immediately removed, the property will no longer be eligible to place temporary housing on the property for a period of 5 years, and the owner shall be subject to a fine of $1,000 per day. Liens may also be imposed on the property by the City as a means of compliance.

j. The siting of temporary housing shall be supported by a limited geotechnical report prepared by appropriately licensed professionals which evaluates the location of the proposed temporary housing with respect to geologic and flood hazards that the specific location(s) may be exposed to during the proposed four-year use of the location. Specifically, the threat of post-fire debris flows and floods as described by the United States Geological Survey and identified by the Watershed Emergency Response Team Assessments. A finding is required that the specific location of the temporary housing is safe for its intended use for the duration of use. The report must be submitted to the City for review and accepted by the Building Official.

k. If the temporary housing is supported on anything other than wheels or a trailer which can be readily moved (i.e. a manufactured home), it shall comply with requirements for foundations as noted in Chapter 16, 18 and Appendix G – Flood proof Construction of the current California Building Code and requires a building permit from the City. Temporary housing supported on wheels shall be fastened to the ground.

C. Amend Section 17.44.090(A)(1), to read as follows:

1. The maximum square footage of an ADU shall be 1,000 square feet. The maximum square footage shall include interior and exterior walls, finished and unfinished basements, mezzanines, storage space, and any space with a height clearance (floor to ceiling height dimension) above six feet. The area of a garage (400 square feet maximum) provided as part of accessory dwelling unit and exterior decks or overhangs that are attached to the structure shall not be included in the 1,000 square foot limit.

D. Amend Section 17.45.150(B), to read as follows:

B. Prohibition. All properties within a disaster area are temporarily prohibited from obtaining a new or updated primary view determination unless: (1) the request was submitted prior to the date the natural disaster began as declared or proclaimed by the City, State or Federal government, or as determined by the Planning Director if no declaration or proclamation has been made; or (2) the primary view determination would not impose any limitation on replacement landscaping or replacement structures.

E. Amend Section 17.53.090(C)(1)(a),(b), (c), (e), and (f) and add subsections (h), (i), and (j); and amend Section 17.53.090(C)(2), to read as follows:

a. Palm trees and eucalyptus trees are prohibited.
b. All vegetation is prohibited between zero and five feet from a structure.
c. The following species are prohibited within 50 feet of structures: Pine (Pinus species), Cypress (Cupressus species), Cedar (Cedrus species), Ficus (Ficus species), and Tree of Heaven (Ailanthus altissima).

e. Existing eucalyptus trees are allowed between five feet and 50 feet of a structure if a qualified expert, as determined by the director, identifies the tree(s) as a monarch butterfly habitat.
f. The distances for trees and shrubs subject to (b) through (e) shall be measured from the dripline of the tree or shrub at its projected maturity to the outermost projection of the structure including eaves and overhangs. No tree canopy shall be within five feet of the outermost projection of the structure including eaves and overhangs at projected maturity. Smaller diameter tree branches less than two inches must be removed within five feet of the outermost projection of the structure including eaves and overhangs and within 10 feet above the roof.

h. Only efficiently-irrigated plants and trees as allowed by this chapter shall be allowed between five feet and 30 feet of a structure.
i. Irrigation shall be required and maintained on the site in all planting areas between five feet and 100 feet of a structure, except in geologic hazard areas in which irrigation may not be allowed. Any proposed irrigation shall be reviewed by the project geotechnical consultant and conform to existing surficial stability standards, not contribute to any geologic hazard, and not adversely affect offsite properties. The consultant shall include a statement regarding the impact of the proposed irrigation system in the required Section 111 statement. The city shall review analyses and findings provided by the project geotechnical consultant and determine whether irrigation is allowed or required in geologic hazard areas. All vegetation within 100 feet of a structure shall maintain sufficient moisture content and be supported by appropriately designed irrigation.
j. Plants listed in the City of Malibu 'Invasive Species List' are prohibited.

2. Mulch material proposed between zero and five feet from a structure must consist of nonflammable materials, such as gravel and decomposed granite. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Use of wood chips and shredded rubber is prohibited anywhere on the site. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between five feet and 30 feet from a structure. Non-continuous mulched areas shall be separated with non-flammable materials such as gravel, rocks, decomposed granite, or stone. The distance shall be measured from the outermost projection of the

structure including eaves and overhangs. The maximum application area of mulch located between five feet and 30 feet from a structure is 20 feet by 20 feet with a five-foot separation between application areas. Any mulch materials (excluding wood chips and shredded rubber), are allowed 30 feet or more from a structure with no limitation on application area. Organic mulch shall be maintained with at least a 3 inch depth but must not exceed 6 inches in depth.

F. Amend Section 17.60.020(C) and add subsection (C)(1), to read as follows:

C. Any structure, including any structure that was damaged or destroyed by a natural disaster, 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. Structures that were damaged or destroyed by a natural disaster may be permitted, at the discretion of the planning director through approval of a planning verification, to increase the square footage, height or bulk permitted by this title by 10 percent of the existing or previously existing square footage, height or bulk of the structure. Increased height or bulk on non-beachfront properties shall not exceed 18 feet, unless a site plan review is obtained, and increased square footage shall not exceed the limits of Section 17.40.040(A)(13). The application for the reconstruction must be initiated with the city within six years of the date of damage or destruction, and a building permit must be diligently pursued and obtained within eight years from the date of damage or destruction and not become expired. A request for an extension of time past the six-year or eight-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 six- or eight-year limit creates an undue hardship. Extensions for applications may not total more than three years for a maximum total of nine years from the date of the disaster. Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

1. Replacement structures on beachfront lots are allowed to meet the minimum increases necessary to meet Federal Emergency Management Agency (FEMA) requirements but shall, to the maximum extent feasible, protect neighboring ocean views. Replacement structures shall seek increases in square footage laterally before they are allowed to increase vertically as viewed by neighboring properties. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.

G. Delete Section 17.60.020(F).

H. Amend Section 17.62.030(A), to read as follows:

A. An administrative plan review shall be required for the following development projects, unless they fall under the provisions for a rebuild development permit as provided in Section 17.62.080. If the project meets the requirements of this title and is consistent with Chapter 17.40, the planning manager/ director shall issue a development permit.

I. Amend Section 17.62.040(A) and (A)(10); and add subsection (A)(13) and (C)(1), to read as follows:

A. The planning manager/director may approve a site plan review after consultation with all appropriate city staff and specialists including the building official, city engineer, city biologist, city geologist, city archeologist and city coastal engineer; and where substantial evidence supports the findings set forth in subsection D of this section for new construction or reconstruction of structures authorizing the following:

10. Sea walls, bulkheads, or any other shoreline protective devices, except for those that meet the requirements for a De Minimis Waiver listed in LIP Section 13.4.11 or rebuild development permit listed in Section 17.62.080 as required;

13. Non-beachfront development over 18 feet in height on a replacement structure where the previously existing structure was damaged or destroyed by a natural disaster and the replacement structure is not sited substantially in the same location on the affected property as the damaged or destroyed structure, so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration.

C. Notice of Application Filing. Within 10 calendar days from the receipt date of a complete application, the planning manager/director shall notify in writing of the filing of the application to property owners and residents of all property within a 500 foot radius of the proposed project, but in no event fewer than the owners and occupants of 10 developed properties. Notwithstanding the foregoing, for property in the RR-10 and RR-20 zones the notice radius shall be 1,000 feet. The purpose of the notice is to inform the surrounding property owners and residents of the filing of the application and provide an opportunity for comment on the application prior to the planning manager/director's decision. The notice shall describe the request, provide a map showing the specific location of the property, describe the review process and timeframes, and indicate how to contact the case planner assigned to the application.

1. For development over 18 feet in height where the replacement structure is not proposed to be sited in substantially the same location on the affected property as the damaged or destroyed structure, a notice of application shall be provided to all properties within a 1,000 foot radius of the development.

J. Add Section 17.62.080. Rebuild development permit, to read as follows:

§ 17.62.080. Rebuild development permit.

A. A rebuild development permit shall be required for the following development projects related to structures being replaced after being damaged or destroyed in a natural disaster. It shall be issued by planning manager/director upon demonstrating by a preponderance of the evidence that all requirements of the municipal code are met, as applicable.

1. Mechanized equipment or temporary shoring on the beach necessary to construct beachfront properties so long as construction activities do not enter the intertidal zone and in no case shall extend beyond the previously existing primary development pad.

2. An onsite wastewater treatment system (OWTS) that replaces or improves an OWTS serving a structure that that was damaged or destroyed by a natural disaster.

a. OWTS replacements on a sandy beach or coastal bluff shall be sited the most landward feasible as determined by appropriate city staff, shall not impact existing public accessways, and shall not extend seaward of the previously existing primary development pad.

b. OWTS replacements shall be located in the least environmentally impactful area.

3. New seawalls, as determined necessary by the planning director or building official to protect coastal resources, that protect an OWTS serving a structure that was damaged or destroyed by a natural disaster. New seawalls shall be sited only at the boundary of OWTS that it protects. New seawalls shall not extend into any existing public access easements or public access deed restrictions, excluding any such easements or deed restrictions on the seaward side of the OWTS it protects, and shall not expand further into previously approved public view corridors or further into open space deed restrictions.

4. Any new structure or improvement (including, but not limited to, foundation systems, utilities, driveways, water tanks, and other water storage devices) that is necessary or recommended to construct, install, or use the replacement structure described in subsection (A) in compliance with all applicable state and local laws and regulations.

5. Minor improvements to existing driveways or access roads that are required by the fire department after a natural disaster, such as minor changes to the width or grade of driveways or access roads. Accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement shall also be allowed, including new cuts on slopes steeper than 3:1 but shall not exceed 1:1 or steeper. Retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet. Improvements shall not extend into a public access easement or public access deed restriction and shall not expand further into a previously approved public view corridor (except for on-grade driveways), or further into open space deed restrictions. Access improvements that

do not meet the requirements of this subsection may be processed as an administrative coastal development permit or as a regular coastal development permit as listed in the Malibu LIP.

B. Application Submittal. An application shall be filed with the planning division and may be part of the planning verification application for replacement structures that were damaged or destroyed by a natural disaster. Applications shall be complete only after all required information is submitted; review by all appropriate city staff and specialists including review by the building official, city engineer, city biologist, city geologist, city archeologist, city coastal engineer and city environmental health specialist, as deemed necessary, is complete; and the application fee determined by resolution of the city council is paid.

C. Action. The planning manager/director shall approve, deny, or approve with conditions a rebuild development permit within 15 calendar days from the date of a complete application. Complete application determinations shall be determined solely by the City. The City may include incomplete/or nonconforming plans as a basis for an incomplete application in addition to standard application requirements. No decision shall be subject to invalidation on the grounds that it is made after the deadline. The applicant shall be informed of the action by letter and/or approved plans. Action of the planning manager/director shall be final and not appealable.

D. Expiration. An approved rebuild development permit shall expire three years from the date of final approval, unless a time extension has been granted, or work has commenced and substantial progress made (as determined by the building official) and the work is continuing under a valid building permit. If no building permit is required, the rebuild development permit approval shall expire after three years from the date of final planning approval if construction is not completed. If a rebuild development permit is included within a planning verification application pursuant to Section 17.60.020(C), then the rebuild development permit shall expire when the planning verification expires.

E. Extension. The planning manager/director may grant up to four one-year extensions of the expiration of a rebuild development permit approval, if the planning manager/director finds, Based on substantial evidence, that due to unusual circumstances, strict compliance with the expiration date of the permit would create an undue hardship for the applicant.

SECTION 7. Effective Date.

The LCPA sections referenced in Section 5 of this Ordinance shall become effective upon certification by the California Coastal Commission. The ZTA sections referenced in Section 6 of this ordinance shall become effective 30 days following adoption by the City Council.

SECTION 8. Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality or the remaining portions of this Ordinance; it being hereby expressly declared and this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phases be declared invalid or unconstitutional.

SECTION 9. Certification.

The City Clerk shall certify to the passage and adoption of this Ordinance.

PASSED, APPROVED, and ADOPTED this 12th day of March 2025.

MARIANNE RIGGINS, Mayor Pro-Tem

ATTEST:

CHRISTINA MUNOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal) 3/12/2025

APPROVED AS TO FORM:

KELLAN MARTZ, Assistant City Attorney
for TREVOR RUSIN, Interim City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 524 was passed and adopted at the Adjourned Regular City Council meeting of March 12, 2025, by the following vote:

AYES:	3	Councilmembers:	Conrad, Uhring, Riggins
NOES:	0		
ABSTAIN:	1	Councilmembers:	Silverstein
ABSENT:	1	Councilmembers:	Stewart

CHRISTINA MUÑOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal)

Commission Agenda Report

Planning Commission Meeting
11-16-26
Item 3.B.2.

To: Chair Kamins and Members of the Planning Commission

Prepared by: Rebecca Evans, MS, Senior Management Analyst

Reviewed by: Tyler Eaton, AICP, Assistant Community Development Director

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director

Date prepared: November 5, 2026 Meeting date: November 16, 2026

Subject: Extension of Planning Verification-Woolsey Fire No. 20-088 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire

Location: 29718 Cuthbert Road
APN: 4469-011-001
Owner: Shane & Dillon LLC

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 26-69 (Attachment 1) granting an eighteen-month extension to obtain a building permit for Planning Verification-Woolsey Fire No. 20-088 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Two-Acre zoning district at 29718 Cuthbert Road (Shane & Dillon LLC).

DISCUSSION: On November 8, 2018, the Woolsey Fire destroyed 465 homes in the City of Malibu. On March 12, 2025, the City Council adopted Ordinance No. 524 (Attachment 3), which extended the ability to initiate the planning application process and obtain a building permit to rebuild a structure that was damaged or destroyed by a disaster. Section 17.60.020(C) of the Malibu Municipal Code was amended to read as follows:

> Any structure, including any structure that was damaged or destroyed by a natural disaster, 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. Structures that were damaged or destroyed by a

> natural disaster may be permitted, at the discretion of the planning director through approval of a planning verification, to increase the square footage, height or bulk permitted by this title by 10 percent of the existing or previously existing square footage, height or bulk of the structure. Increased height or bulk on non-beachfront properties shall not exceed 18 feet, unless a site plan review is obtained, and increased square footage shall not exceed the limits of Section 17.40.040(A)(13). The application for the reconstruction must be initiated with the city within six years of the date of damage or destruction, and a building permit must be diligently pursued and obtained within eight years from the date of damage or destruction and not become expired. A request for an extension of time past the six-year or eight-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 six- or eight-year limit creates an undue hardship. Extensions for applications may not total more than three years for a maximum total of nine years from the date of the disaster. Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

Absent a time extension, a building permit would need to be obtained for Planning Verification-Woolsey Fire (PVWF) No. 20-088 no later than November 9, 2026. On October 22, 2026, Manager Edmund O'Neill, on behalf of owner Shane & Dillon, LLC, submitted a request for an eighteen-month time extension to the deadline to obtain a building permit for a nonconforming in-kind plus ten percent disaster rebuild of a single-family residence and guest house.

The Woolsey Fire rebuild was delayed by the need for complex subsurface explorations and the illness of the project geotechnical engineer and onsite wastewater treatment system design professional, which resulted in his retirement and the need to hire a replacement consultant. Additionally, all VMA desktop computers and the office server storing files pertaining to the project were destroyed in the Palisades Fire. Extra time was required to recompile reports and plans. The owner has diligently pursued rebuilding and has an approved PVWF but requests additional time to obtain a building permit due to the proximity of the grading moratorium and the potential for El Nino impacts. The owner anticipates site preparation in April 2027. The owner's basis for due cause is included as Attachment 2.

CONCLUSION: Should the Planning Commission approve the time extension request, the owner would have until May 8, 2028 to obtain a building permit for PVWF No. 20-088.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-69
2. Time Extension Request
3. City Council Ordinance No. 524

All referenced City Council and Planning Commission records are available for review at http://www.malibucity.org/onbase.

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-69

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING AN EIGHTEEN-MONTH EXTENSION TO OBTAIN A BUILDING PERMIT FOR PLANNING VERIFICATION-WOOLSEY FIRE NO. 20-088 TO REBUILD NONCONFORMING USES OR STRUCTURES DAMAGED OR DESTROYED IN THE WOOLSEY FIRE FOR THE PROPERTY LOCATED IN THE RURAL RESIDENTIAL, TWO-ACRE ZONING DISTRICT AT 29718 CUTHBERT ROAD (SHANE & DILLON 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-Woolsey Fire (PVWF), four years from the date of damage or destruction to obtain building permits, and extensions to these deadlines could not total more than five years.

C. On October 30, 2020, Planning Verification-Woolsey Fire (PVWF) No. 20-088 was approved.

D. On December 14, 2020, approximately 50 percent of property owners of destroyed homes had submitted a PVWF to rebuild homes. Due to 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.

E. On January 8, 2024, City Council adopted Ordinance No. 513, which extended the ability to initiate a PVWF within six years of the date of damage or destruction to November 8, 2024, with the ability for the Planning Commission to grant extensions when strict compliance created an undue hardship. Extensions could not total more than nine years. In addition, the deadline to obtain building permits was extended to November 8, 2026.

F. On March 12, 2025 following the 2025 Palisades Fire, City Council adopted Ordinance No. 524, which included an amendment to Malibu Municipal Code Section 17.60.020(C) to allow the Planning Commission to consider requests for an extension of time to obtain a building permit for structures damaged or destroyed by a natural disaster for a maximum total of eleven years from the date of the disaster (November 8, 2029 for the Woolsey Fire).

G. On October 22, 2026, Manager Edmund O'Neill, on behalf of owner Shane & Dillon LLC, submitted an application requesting an eighteen-month extension to the November 8, 2026 deadline to obtain a building permit for an in-kind plus ten percent rebuild of nonconforming uses or structures. The Woolsey Fire destroyed the single-family residence and guest house. The

owner cited complex subsurface explorations and the illness of the project geotechnical engineer and onsite wastewater treatment system design professional, which resulted in his retirement and the need to hire a replacement consultant. Additionally, all VMA desktop computers and the office server storing files pertaining to the project were destroyed in the Palisades Fire. Extra time was required to recompile reports and plans. The owner has diligently pursued rebuilding and has an approved PVWF but requests additional time to obtain a building permit due to the proximity of the grading moratorium and the potential for El Nino impacts. The owner anticipates site preparation in April 2027.

H. On November 16, 2026, the Planning Commission held a duly noticed public hearing on the request, reviewed and considered the agenda report, reviewed and considered written correspondence, public testimony, and other information in the record.

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 obtain a building permit for nonconforming structures and uses damaged 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.

Based on substantial evidence in the record, the Planning Commission finds that, due to unusual circumstances, strict compliance with the eight-year time limit imposed by Malibu Municipal Code Section 17.60.020(C) would create an undue hardship. 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 obtain a building permit for PVWF No. 20-088. The Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby grants the property owner an eighteen-month time extension to obtain a building permit for PVWF No. 20-088 to rebuild non-conforming uses or structures destroyed or damaged in the Woolsey Fire. Said building permit shall be obtained by May 8, 2028.

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

PASSED, APPROVED AND ADOPTED this 16th day of November, 2026.

MARNI KAMINS, 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, in person at City Hall, or by calling (310) 456-2489, ext. 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-69 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 16th day of November, 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

REBECCA EVANS, Recording Secretary

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · www.malibucity.org

CITY OF MALIBU
RECEIVED
OCT 2 2 2026
PLANNING DIVISION

WOOLSEY FIRE
Non-Conforming In-kind Disaster Rebuild
Building Permit Time Extension Request

The City of Malibu will not accept incomplete applications.

Staff use only

Woolsey Fire Extension No. EXTWF No. 26-014

To submit a Woolsey Fire building permit time extension request:

To request a time extension to obtain building permits for a previously approved Planning Verification for a non-conforming in-kind rebuild, the request must be timely received by the Planning Division in person or via email to planningadmin@malibucity.org. The deadline to submit a Woolsey Fire building permit time extension request is **November 8, 2026**. Per California Code of Civil Procedure Section 12(a), because this falls on a weekend, the City will accept requests received and paid on the next business day, Monday, November 9, 2026, by 5:30 PM.

Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster, with maximum extension to **NOVEMBER 8, 2029**. For questions about this form, please email revans@malibucity.org.

Site Address: 29718 Cuthbert Rd

Planning Verification-Woolsey Fire No: 20-088 **(if applicable)**

ALL of the following must be timely filed to perfect a time extension request.

1. **Time Extension Checklist** ✓

   This form with property owner's signature

2. **Time Extension to Obtain Building Permits Request Letter** ✓

   A letter setting forth unusual circumstances that render strict compliance to the deadline an undue hardship. Property Owners are encouraged to provide evidence of such hardship. This letter and evidence will be provided to the Planning Commission. I am requesting an extension for 1.5 year(s).

3. **Time Extension Fee** (Director: $723) (Planning Commission: $2,600) or currently adopted fee ✓

ATTACHMENT 2

4. **Property Owner's /Occupant's Information**

Name: Shane & Dillon LLC

Property Owner's mailing Address: [redacted]

Property Owner's telephone:

Property Owner's email address:

5. **Proof of Ownership / Authorized Representatives**

If grant deed or title report is held by an LLC or Trust, submit Operating Agreement for LLC or Trust Documents for Trusts to identify authorized representatives

6. **Applicant's Information**

If an applicant is submitting this form on behalf of the property owner, the Authorization to Submit a Project must be filled out and returned with this form.

Name: N/A

Applicant's mailing address: _____

_____

Applicant's telephone: _____

Applicant's email address: _____

7. **Acknowledgements**

MMC Section 17.60.020(A) 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."

Pursuant to MMC Section 17.60.020(C), any structure described in subsection Section 17.60.020 (A), 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 six years of the date of damage or destruction, and a building permit is diligently pursued and obtained within eight years from the date of damage or destruction and has not expired. A request for an extension of time to the six-year or eight-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 six- or eight-year limit creates an undue hardship. **Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster**. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

I hereby certify that I am presently the legal owner of the above-described property and have read MMC Sections 17.60.020(A) and (C).

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
Edmund V. O'Neill, Manager	Edmund V. O'Neill, Manager	Oct 22, 2026

I hereby certify that the time extension request submittal contains all of the above items. I understand that if any of the items are missing or subsequently deficient, the time extension shall be deemed to have been withdrawn and the request is invalid. I acknowledge that the City strongly encourages me to immediately calendar the expiration date of this permit, that it is my responsibility to monitor its status and that the City has no ability to provide relief when a permit has expired.

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
Edmund V. O'Neill, Manager	Edmund V. O'Neill, Manager	Oct 22, 2026

8. Indemnification Clause

The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
Edmund V. O'Neill, Manager	Edmund V. O'Neill, Manager	Oct 22, 2026

Note: November 8, 2024 was the deadline to submit a time extension request to submit a <u>Planning Verification</u> for non-conforming structures damaged or destroyed in the Woolsey Fire. No request to extend the deadline to submit a Planning Verification can be accepted at this time.

VITUS MATARÉ & ASSOCIATES, INC.
P.O. Box 1204, Malibu, California 90265 ph 310.317.0700
info@vitusmatare.com

10-22-2026
Community Development Manager Tyler Eaton
City of Malibu Planning Dept
23825 Stuart Ranch Road, Malibu CA 90265

Re: 29718 Cuthbert Road (APN 4469-011-001)
PVWF 20-088

Dear Tyler,
We're requesting a ~~one~~ 1&5 EVD year extension of PVWF 20-088 for reconstruction of the home at 29718 Cuthbert Road destroyed in the Woolsey Fire. Construction documents are fully approved by all City and County agencies. These approvals include all aspects of DMW-22-016 for a new septic system.

We have our "Water and Access" as well as "Occupancy" approvals from L.A. County District 29 and the Fire Prevention Bureau. Our construction set is fully stamped and signed by True North and all City of Malibu agencies. We are in the midst of obtaining our Grading Bond for site preparation and have been advised to hold off until April 2027 due to the forecast El Nino winter season.

We have been steadily following up and responding promptly to corrections from all agencies for the past four and a half years. Several design revisions and additional subsurface explorations were required to gain planning stage approval for our replacement septic system and pinpointing of the Malibu Coastal Fault. In the midst of this work the project geotechnical engineer and OWTS design professional became ill and was forced to retire. It was not a simple matter to find a replacement. In addition, all VMA desktop computers and office server storing files pertaining to this project were destroyed in the Palisades Fire on January 7, 2025 and it has taken extra time to recompile all required reports and plans.

No further revisions to the house design are proposed by our team. We intend to move forward with construction immediately after this rainy season. We respectfully request an extension of PVWF- 20-088 for one additional year.

Please advise if additional information might be helpful.

Sincerely -

Vitus Mataré

ORDINANCE NO. 524

AN ORDINANCE OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT 25-001, AN AMENDMENT TO THE LOCAL COASTAL PROGRAM AND ZONING TEXT AMENDMENT NO. 25-001, AN AMENDMENT TO TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE UPDATING REGULATIONS TO FACILITATE THE REBUILDING OF STRUCTURES DAMAGED OR DESTROYED BY NATURAL DISASTERS, INCLUDING BUT NOT LIMITED TO, THE 2025 PALISADES FIRE, 2024 FRANKLIN FIRE, AND 2024 BROAD FIRE TO PROVIDE RELIEF FOR THOSE AFFECTED, AND FINDING THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Recitals.

A. On November 6, 2024, the Broad Fire began and destroyed structures on at least 4 properties in Malibu leaving residents with an urgent need to rebuild.

B. On December 9, 2024, the Franklin Fire destroyed structures on at least 38 properties in Malibu leaving residents with an urgent need to rebuild.

C. On January 7, 2025, the Palisades Fire destroyed structures on over 700 properties in Malibu leaving residents with an urgent need to rebuild. The Governor of California has declared the event a State of Emergency and the President of the United States has declared the event a Federal Emergency.

D. On January 27, 2025, the City Council adopted Resolution No. 25-06 to: 1) initiate a Local Coastal Program (LCP) amendment and zoning text amendment to consider changes to the Malibu LCP and Title 17 (Zoning) of the Malibu Municipal Code (MMC) to facilitate the rebuilding of structures damaged or destroyed by the 2025 Palisades Fire, 2024 Franklin Fire, and 2024 Broad Fire and provide relief for those affected by the fires; 2) Bypass the Zoning Ordinance Revisions and Code Enforcement Subcommittee and directed the Planning Commission to schedule a public hearing regarding the same.

E. On January 30, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

F. On February 6, 2025, a Notice of Planning Commission Public Hearing was republished in a newspaper of general circulation within the City of Malibu as a courtesy.

G. On February 13, 2025, Governor Newsom issued Executive Order N-20-25, which suspended requirements of the California Environmental Quality Act and California Coastal Act for Palisades Fire rebuilds and related issues.

H. On February 13, 2025, a Notice of Availability of Local Coastal Program Amendment (LCPA) Documents and a Notice of City Council Public Hearings for both the March 4, 2025 and March 10, 2025 meetings were published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

I. On February 20, 2025, the Planning Commission held a duly noticed public hearing on the proposed rebuild amendments on LCPA 25-001 and ZTA No.25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record.

J. On March 4, 2025, the City Council held a meeting which included a public workshop on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council completed the public workshop and adjourned the public hearing to March 5, 2025.

K. On March 5, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The meeting was adjourned to March 6, 2025.

L. On March 6, 2025, the City Council continued the public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on first reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001 as recommended by staff with the additional changes presented at the March 6, 2025 meeting. The City Council adopted Urgency Ordinance No. 524U for the Malibu Municipal Code amendments to go into effect immediately.

M. On March 10, 2025, the City Council continued the public hearing for the second reading to March 12, 2025.

N. On March 12, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on second reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001.

SECTION 2. Environmental Review.

Pursuant to Public Resources Code Section 21080.9, California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. LCP Local Implementation Plan (LIP) Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and the City's Zoning Ordinance. In order to prevent

inconsistency between the LCP and the City's Zoning Ordinance, if the LCPA is approved, the City must also approve the corollary amendment to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCPA and because they are entirely dependent on, related to, and duplicative of the exempt activity, they are subject to the same CEQA exemption.

Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Planning Commission determined that there is no possibility the amendment will have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies. The amendments to the MMC that are not corollary to the LCP can be seen not to have a significant effect on the environment as they merely create permit and fine requirements and allow structures that existed previously to be rebuilt in the same location with substantially the same purpose and capacity as the structure that would be replaced, while also further protecting coastal resources and hazard protections.

SECTION 3. Local Coastal Program Findings.

Based on evidence contained within the record, including the agenda reports for and the hearings on February 20 and March 4, 2025, the City Council hereby finds that the proposed amendment meets the requirements of, and is in conformance with, the policies and requirements of Chapter 3 of the California Coastal Act.

A. The amendments to the LCP meet the requirements of, and are in conformance with the goals, objectives and purposes of the LCP. Updated development standards specific to rebuild projects that were destroyed in natural disaster and relief for those affected, ensure that development standards are in place to facilitate people getting their properties back to where they were before the natural disaster while also incorporating measures that will further enhance and protect coastal resources. Development standards were carefully crafted to meet the goals of the of the LCP.

B. As a part of the LIP, the updated development standards specific to rebuild projects that were destroyed in natural disaster and providing relief for those affected ensure that future development projects and land uses within specific zoning districts conform to applicable LCP policies, goals, and provisions, while taking into consideration the protection and enhancement of visual resources, public access, and recreation opportunities. Incorporating specific requirements for rebuild structures to avoid coastal accessways, be sited the most landward feasible and the installation of structures that will protect the coastal resources from contamination greater than current.

SECTION 4. Zoning Text Amendment Findings.

Pursuant to Malibu Municipal Code Section 17.74.040, the City Council hereby makes the following findings:

A. The subject zoning text amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The proposed amendment serves to enhance the Malibu General Plan Mission Statement, protect public safety and preserve Malibu's natural and cultural resources.

B. The City Council held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan, Malibu Municipal Code and the Malibu Local Coastal Program, and finds that the zoning text amendment is consistent and recommends approval.

SECTION 5. Local Coastal Program Amendment No. 25-001, Amendments to the Local Implementation Plan (LIP).

The City Council hereby amends the LIP as follows:

A. Amend Section 2.1 related to LIP definitions to include the following:

SECONDARY DEVELOPMENT PAD - a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

PRIMARY DEVELOPMENT PAD - the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 3.6(M)(1) related to residential development standards for temporary homes, to read as follows:

1. No more than two temporary housing structures which together total no more than one thousand (1,000) square feet shall be permitted.

C. Amend LIP Section 13.4.6(A) and (B), and add Section 13.4.6(A)(4) related to coastal development permit exemptions, to read as follows:

A. The replacement of any structure, other than a public works facility, destroyed by a disaster provided that the replacement structure meets all the of the following criteria:

1. It is for the same use as the destroyed structure;
2. It does not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent, and

3. It is sited in substantially the same location on the affected property as the destroyed structure.

As used in this section, "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

4. Mechanized equipment or temporary shoring on the beach necessary to construct the replacement structure is allowed under this exemption for beachfront properties only if there are no feasible alternatives and construction activities do not enter the intertidal zone or extend beyond the previously existing primary development pad and appropriate Best Management Practices are used.

B. An onsite wastewater treatment system (OWTS) that was damaged or destroyed by a natural disaster may be replaced and improved provided that the replacement OWTS is located within the existing primary development pad and is the minimum standard size necessary to meet the building code for the existing or replacement structure it serves. If the new OWTS exceeds the minimum standard size or is located outside the primary development pad, then a De Minimis Waiver or OWTS Coastal Development Permit shall be required as applicable by Sections 13.4.11 and 13.29 respectively. For OWTS replacements on or adjacent to a sandy beach or coastal bluff, the OWTS shall be sited in the most landward location feasible and may not extend further seaward than the existing and/or previously existing seawall, whichever is more landward.

D. Amend LIP Section 13.4.11(A) and (A)(1) and (2), and add subsections (3), (4), (5), and (6); Amend 13.4.11(B)(1),(2), (3), and (5); Amend 13.4.11(C)(2) and(3); and amend 13.4.11(D), related to general requirements for de minimis waiver, to read as follows:

13.4.11 General Requirements for De Minimis Waiver

A. General Requirements for De Minimis Waiver.

The requirement for a coastal development permit may be waived through a De Minimis Coastal Development Permit Waiver issued by the planning director for the items listed below where the improvements are not otherwise exempt pursuant to Section 13.4, provided all the requirements of subsections B and C are met. The planning director's decision on whether to issue a de minimis waiver is not locally appealable; however if the development is within the appealable jurisdiction of the California Coastal Commission, the decision of the planning director is appealable to the Coastal Commission as described below in subsection (C).

1. Improvements to an onsite wastewater treatment system (OWTS) serving a structure that replaces one that was damaged or destroyed as a result of a natural disaster, where the improvements involve installing a new system or upgrading an

existing system to an advanced system on the same lot and does not meet the exemption criteria of Section 13.4.6(B).

2. Minor improvements to existing driveways or access roads that are required by the fire department after a natural disaster, such as minor changes to the width or grade of driveways or access roads. This includes accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement, including new cuts on slopes steeper than 3:1 but less than 1:1, subject to geotechnical feasibility review. Retaining walls shall not exceed six (6) feet in height. New retaining walls that replace an existing wall being removed as a result of the driveway widening are allowed to be replaced to the same height of previous wall and may increase in height by a maximum of three (3) additional feet but shall not have a total height in excess of nine (9) feet. Access improvements that do not meet the findings for a waiver may be processed as an administrative coastal development permit (ACDP) under Section 13.13.1(A) or as a regular coastal development permit.
3. Replacement seawalls that exceed ten (10) percent in height. The replacement seawall shall be sited in the same footprint as the previous seawall and shall not expand further seaward nor shall it extend further into an existing public access easement, deed restriction or view corridor.
4. Increases in the previous finished floor elevation for structures that replace one that was damaged or destroyed as result of a natural disaster, where the previous finished floor elevation must be raised to a higher elevation to meet Federal Emergency Management Agency (FEMA) flood zone requirements as determined by the City's floodplain administrator. Such increase shall not exceed the increase in elevation to the finished floor required to meet the minimum FEMA flood zone requirements. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.
5. Replacement structures that would otherwise be exempt from the requirement to obtain a coastal development permit pursuant to Section 13.4.6(A) but are proposed to be sited not in substantially the same location where the damaged or destroyed structure was located so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration. This waiver may include retaining walls and grading necessary for the construction of the relocated structure, but cuts may not be made into slopes steeper than 1:1 and retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet.
6. Water tanks and other water storage devices necessary to construct, install, or use a replacement structure that was damaged or destroyed by a natural disaster and as required or recommended by applicable federal, state and local laws and regulations. New shoreline protection devices are not included under this waiver.

B. Findings for and Reporting of De Minimis Waivers.

All decisions on de minimis waivers shall be accompanied by written findings:

1. That the structures or improvements have no potential for adverse effects, either individually or cumulatively, on coastal resources or public access to the shoreline or along the coast.
2. That the structures or improvements are consistent with the certified Malibu Local Coastal Program, including the resource protection policies, as applicable.
3. If an OWTS is to be relocated on the lot, that the director, in consultation with the environmental health administrator, has determined the relocation is necessary to better protect coastal resources and if on a beachfront lot, is no further seaward than the existing OWTS or no further seaward than the previously existing seawall, whichever is further landward.
4. If driveway/road improvements are proposed, that: (a) they are in the same general alignment as the existing road; (b) they are not located in environmentally sensitive habitat area (ESHA); (c) they do not remove or encroach within the protected zone of native trees; and (d) they do not adversely impact visual resources.
5. For relocation pursuant to Section 13.4.11(A)(5), that the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and primarily safety.

C. Reporting De Minimis Waiver.

1. At the time the application is submitted for filing, the applicant must post, at a conspicuous place as close to the site as possible that is easily accessible by the public and approved by the city, notice, on a form approved by the city, that an application for a de minimis waiver has been submitted to the city. Such notice shall contain a general description of the nature of the proposed development.
2. The planning director shall issue a notice of determination on the application which shall be reported to the planning commission. The notice of determination shall be provided to all known interested parties, including the executive director of the coastal commission, at least ten (10) days prior to the waiver determination being reported to the planning commission. For development within the appealable jurisdiction of the California Commission, the planning director's decision may be appealed by an aggrieved person directly to the California Coastal Commission within ten (10) working days of issuance of the notice of determination only if the development is one of the four types of development listed in the definition of Appealable Coastal Development Permit.
3. If, after consideration of the waiver and any public objections to it, the planning commission requests that the waiver not be effective, then the applicant shall be advised that a Coastal development permit is required for the structures or improvements. Otherwise, the waiver is effective immediately after the planning commission meeting where the matter is heard.

D. Waiver Expiration.

A de minimis waiver shall expire and be of no further force and effect if the authorized structures or improvements are not commenced pursuant to a valid grading and/or building permit, as applicable, within five years of the effective date of the waiver. If expired, a coastal development permit or another waiver shall be required.

SECTION 6. Zoning Text Amendment No. 25-001, Amendments to the Malibu Municipal Code (MMC).

The City Council hereby amends Title 17 - Zoning in the MMC as follows:

A. Amend Section 17.02.060 related to definitions to include the following:

"Secondary development pad" means a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

"Primary development pad" means the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 17.40.040(A)(18)(a) and (g) and add subsections (i), (j), and (k) to read as follows:

18. Temporary Housing. Temporary housing structures as used herein means mobilehomes, trailers, recreational vehicles or other structures which are self-contained units which include sanitary facilities, and facilities for normal daily routines including cooking and sleeping. Temporary housing structures do not include any structure placed upon a permanent foundation, nor do they include tents, yurts, or similar fabric or textile installations. Temporary housing structures used as a residence during reconstruction or in anticipation of reconstruction of a residence destroyed due to natural disaster shall be permitted with a temporary housing permit approved by the Planning Director and shall comply with the following conditions:

a. No more than two temporary housing structures which together total no more than 1,000 square feet shall be permitted.

g. Upon expiration of the temporary housing permit, the property owner shall obtain verification from the city that all temporary housing structures have been removed

from the property. Failure to obtain this verification shall result in a fine of $1,000 per day until the verification is obtained.

i. The temporary housing structures shall be occupied only by the property owner(s) or tenant(s) living on the property at the date of the natural disaster, or their families. Should this requirement be violated, the temporary housing structures must be immediately removed, the property will no longer be eligible to place temporary housing on the property for a period of 5 years, and the owner shall be subject to a fine of $1,000 per day. Liens may also be imposed on the property by the City as a means of compliance.

j. The siting of temporary housing shall be supported by a limited geotechnical report prepared by appropriately licensed professionals which evaluates the location of the proposed temporary housing with respect to geologic and flood hazards that the specific location(s) may be exposed to during the proposed four-year use of the location. Specifically, the threat of post-fire debris flows and floods as described by the United States Geological Survey and identified by the Watershed Emergency Response Team Assessments. A finding is required that the specific location of the temporary housing is safe for its intended use for the duration of use. The report must be submitted to the City for review and accepted by the Building Official.

k. If the temporary housing is supported on anything other than wheels or a trailer which can be readily moved (i.e. a manufactured home), it shall comply with requirements for foundations as noted in Chapter 16, 18 and Appendix G – Flood proof Construction of the current California Building Code and requires a building permit from the City. Temporary housing supported on wheels shall be fastened to the ground.

C. Amend Section 17.44.090(A)(1), to read as follows:

1. The maximum square footage of an ADU shall be 1,000 square feet. The maximum square footage shall include interior and exterior walls, finished and unfinished basements, mezzanines, storage space, and any space with a height clearance (floor to ceiling height dimension) above six feet. The area of a garage (400 square feet maximum) provided as part of accessory dwelling unit and exterior decks or overhangs that are attached to the structure shall not be included in the 1,000 square foot limit.

D. Amend Section 17.45.150(B), to read as follows:

B. Prohibition. All properties within a disaster area are temporarily prohibited from obtaining a new or updated primary view determination unless: (1) the request was submitted prior to the date the natural disaster began as declared or proclaimed by the City, State or Federal government, or as determined by the Planning Director if no declaration or proclamation has been made; or (2) the primary view determination would not impose any limitation on replacement landscaping or replacement structures.

E. Amend Section 17.53.090(C)(1)(a),(b), (c), (e), and (f) and add subsections (h), (i), and (j); and amend Section 17.53.090(C)(2), to read as follows:

a. Palm trees and eucalyptus trees are prohibited.
b. All vegetation is prohibited between zero and five feet from a structure.
c. The following species are prohibited within 50 feet of structures: Pine (Pinus species), Cypress (Cupressus species), Cedar (Cedrus species), Ficus (Ficus species), and Tree of Heaven (Ailanthus altissima).

e. Existing eucalyptus trees are allowed between five feet and 50 feet of a structure if a qualified expert, as determined by the director, identifies the tree(s) as a monarch butterfly habitat.
f. The distances for trees and shrubs subject to (b) through (e) shall be measured from the dripline of the tree or shrub at its projected maturity to the outermost projection of the structure including eaves and overhangs. No tree canopy shall be within five feet of the outermost projection of the structure including eaves and overhangs at projected maturity. Smaller diameter tree branches less than two inches must be removed within five feet of the outermost projection of the structure including eaves and overhangs and within 10 feet above the roof.

h. Only efficiently-irrigated plants and trees as allowed by this chapter shall be allowed between five feet and 30 feet of a structure.
i. Irrigation shall be required and maintained on the site in all planting areas between five feet and 100 feet of a structure, except in geologic hazard areas in which irrigation may not be allowed. Any proposed irrigation shall be reviewed by the project geotechnical consultant and conform to existing surficial stability standards, not contribute to any geologic hazard, and not adversely affect offsite properties. The consultant shall include a statement regarding the impact of the proposed irrigation system in the required Section 111 statement. The city shall review analyses and findings provided by the project geotechnical consultant and determine whether irrigation is allowed or required in geologic hazard areas. All vegetation within 100 feet of a structure shall maintain sufficient moisture content and be supported by appropriately designed irrigation.
j. Plants listed in the City of Malibu 'Invasive Species List' are prohibited.

2. Mulch material proposed between zero and five feet from a structure must consist of nonflammable materials, such as gravel and decomposed granite. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Use of wood chips and shredded rubber is prohibited anywhere on the site. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between five feet and 30 feet from a structure. Non-continuous mulched areas shall be separated with non-flammable materials such as gravel, rocks, decomposed granite, or stone. The distance shall be measured from the outermost projection of the

structure including eaves and overhangs. The maximum application area of mulch located between five feet and 30 feet from a structure is 20 feet by 20 feet with a five-foot separation between application areas. Any mulch materials (excluding wood chips and shredded rubber), are allowed 30 feet or more from a structure with no limitation on application area. Organic mulch shall be maintained with at least a 3 inch depth but must not exceed 6 inches in depth.

F. Amend Section 17.60.020(C) and add subsection (C)(1), to read as follows:

C. Any structure, including any structure that was damaged or destroyed by a natural disaster, 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. Structures that were damaged or destroyed by a natural disaster may be permitted, at the discretion of the planning director through approval of a planning verification, to increase the square footage, height or bulk permitted by this title by 10 percent of the existing or previously existing square footage, height or bulk of the structure. Increased height or bulk on non-beachfront properties shall not exceed 18 feet, unless a site plan review is obtained, and increased square footage shall not exceed the limits of Section 17.40.040(A)(13). The application for the reconstruction must be initiated with the city within six years of the date of damage or destruction, and a building permit must be diligently pursued and obtained within eight years from the date of damage or destruction and not become expired. A request for an extension of time past the six-year or eight-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 six- or eight-year limit creates an undue hardship. Extensions for applications may not total more than three years for a maximum total of nine years from the date of the disaster. Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

1. Replacement structures on beachfront lots are allowed to meet the minimum increases necessary to meet Federal Emergency Management Agency (FEMA) requirements but shall, to the maximum extent feasible, protect neighboring ocean views. Replacement structures shall seek increases in square footage laterally before they are allowed to increase vertically as viewed by neighboring properties. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.

G. Delete Section 17.60.020(F).

H. Amend Section 17.62.030(A), to read as follows:

A. An administrative plan review shall be required for the following development projects, unless they fall under the provisions for a rebuild development permit as provided in Section 17.62.080. If the project meets the requirements of this title and is consistent with Chapter 17.40, the planning manager/ director shall issue a development permit.

I. Amend Section 17.62.040(A) and (A)(10); and add subsection (A)(13) and (C)(1), to read as follows:

A. The planning manager/director may approve a site plan review after consultation with all appropriate city staff and specialists including the building official, city engineer, city biologist, city geologist, city archeologist and city coastal engineer; and where substantial evidence supports the findings set forth in subsection D of this section for new construction or reconstruction of structures authorizing the following:

10. Sea walls, bulkheads, or any other shoreline protective devices, except for those that meet the requirements for a De Minimis Waiver listed in LIP Section 13.4.11 or rebuild development permit listed in Section 17.62.080 as required;

13. Non-beachfront development over 18 feet in height on a replacement structure where the previously existing structure was damaged or destroyed by a natural disaster and the replacement structure is not sited substantially in the same location on the affected property as the damaged or destroyed structure, so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration.

C. Notice of Application Filing. Within 10 calendar days from the receipt date of a complete application, the planning manager/director shall notify in writing of the filing of the application to property owners and residents of all property within a 500 foot radius of the proposed project, but in no event fewer than the owners and occupants of 10 developed properties. Notwithstanding the foregoing, for property in the RR-10 and RR-20 zones the notice radius shall be 1,000 feet. The purpose of the notice is to inform the surrounding property owners and residents of the filing of the application and provide an opportunity for comment on the application prior to the planning manager/director's decision. The notice shall describe the request, provide a map showing the specific location of the property, describe the review process and timeframes, and indicate how to contact the case planner assigned to the application.

1. For development over 18 feet in height where the replacement structure is not proposed to be sited in substantially the same location on the affected property as the damaged or destroyed structure, a notice of application shall be provided to all properties within a 1,000 foot radius of the development.

J. Add Section 17.62.080. Rebuild development permit, to read as follows:

§ 17.62.080. Rebuild development permit.

A. A rebuild development permit shall be required for the following development projects related to structures being replaced after being damaged or destroyed in a natural disaster. It shall be issued by planning manager/director upon demonstrating by a preponderance of the evidence that all requirements of the municipal code are met, as applicable.

1. Mechanized equipment or temporary shoring on the beach necessary to construct beachfront properties so long as construction activities do not enter the intertidal zone and in no case shall extend beyond the previously existing primary development pad.

2. An onsite wastewater treatment system (OWTS) that replaces or improves an OWTS serving a structure that that was damaged or destroyed by a natural disaster.

a. OWTS replacements on a sandy beach or coastal bluff shall be sited the most landward feasible as determined by appropriate city staff, shall not impact existing public accessways, and shall not extend seaward of the previously existing primary development pad.

b. OWTS replacements shall be located in the least environmentally impactful area.

3. New seawalls, as determined necessary by the planning director or building official to protect coastal resources, that protect an OWTS serving a structure that was damaged or destroyed by a natural disaster. New seawalls shall be sited only at the boundary of OWTS that it protects. New seawalls shall not extend into any existing public access easements or public access deed restrictions, excluding any such easements or deed restrictions on the seaward side of the OWTS it protects, and shall not expand further into previously approved public view corridors or further into open space deed restrictions.

4. Any new structure or improvement (including, but not limited to, foundation systems, utilities, driveways, water tanks, and other water storage devices) that is necessary or recommended to construct, install, or use the replacement structure described in subsection (A) in compliance with all applicable state and local laws and regulations.

5. Minor improvements to existing driveways or access roads that are required by the fire department after a natural disaster, such as minor changes to the width or grade of driveways or access roads. Accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement shall also be allowed, including new cuts on slopes steeper than 3:1 but shall not exceed 1:1 or steeper. Retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet. Improvements shall not extend into a public access easement or public access deed restriction and shall not expand further into a previously approved public view corridor (except for on-grade driveways), or further into open space deed restrictions. Access improvements that

do not meet the requirements of this subsection may be processed as an administrative coastal development permit or as a regular coastal development permit as listed in the Malibu LIP.

B. Application Submittal. An application shall be filed with the planning division and may be part of the planning verification application for replacement structures that were damaged or destroyed by a natural disaster. Applications shall be complete only after all required information is submitted; review by all appropriate city staff and specialists including review by the building official, city engineer, city biologist, city geologist, city archeologist, city coastal engineer and city environmental health specialist, as deemed necessary, is complete; and the application fee determined by resolution of the city council is paid.

C. Action. The planning manager/director shall approve, deny, or approve with conditions a rebuild development permit within 15 calendar days from the date of a complete application. Complete application determinations shall be determined solely by the City. The City may include incomplete/or nonconforming plans as a basis for an incomplete application in addition to standard application requirements. No decision shall be subject to invalidation on the grounds that it is made after the deadline. The applicant shall be informed of the action by letter and/or approved plans. Action of the planning manager/director shall be final and not appealable.

D. Expiration. An approved rebuild development permit shall expire three years from the date of final approval, unless a time extension has been granted, or work has commenced and substantial progress made (as determined by the building official) and the work is continuing under a valid building permit. If no building permit is required, the rebuild development permit approval shall expire after three years from the date of final planning approval if construction is not completed. If a rebuild development permit is included within a planning verification application pursuant to Section 17.60.020(C), then the rebuild development permit shall expire when the planning verification expires.

E. Extension. The planning manager/director may grant up to four one-year extensions of the expiration of a rebuild development permit approval, if the planning manager/director finds, Based on substantial evidence, that due to unusual circumstances, strict compliance with the expiration date of the permit would create an undue hardship for the applicant.

SECTION 7. Effective Date.

The LCPA sections referenced in Section 5 of this Ordinance shall become effective upon certification by the California Coastal Commission. The ZTA sections referenced in Section 6 of this ordinance shall become effective 30 days following adoption by the City Council.

SECTION 8. Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality or the remaining portions of this Ordinance; it being hereby expressly declared and this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phases be declared invalid or unconstitutional.

SECTION 9. Certification.

The City Clerk shall certify to the passage and adoption of this Ordinance.

PASSED, APPROVED, and ADOPTED this 12th day of March 2025.

MARIANNE RIGGINS, Mayor Pro-Tem

ATTEST:

CHRISTINA MUNOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal) 3/12/2025

APPROVED AS TO FORM:

KELLAN MARTZ, Assistant City Attorney
for TREVOR RUSIN, Interim City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 524 was passed and adopted at the Adjourned Regular City Council meeting of March 12, 2025, by the following vote:

AYES:	3	Councilmembers:	Conrad, Uhring, Riggins
NOES:	0		
ABSTAIN:	1	Councilmembers:	Silverstein
ABSENT:	1	Councilmembers:	Stewart

CHRISTINA MUÑOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal)

Commission Agenda Report

Planning Commission Meeting
11-16-26
Item 3.B.3.

To: Chair Kamins and Members of the Planning Commission

Prepared by: Rebecca Evans, MS, Senior Management Analyst

Reviewed by: Tyler Eaton, AICP, Assistant Community Development Director

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director

Date prepared: November 5, 2026 Meeting date: November 16, 2026

Subject: Extension of Planning Verification-Woolsey Fire No. 21-056 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire

Location: 29675 Cuthbert Road
APN: 4469-008-009
Owner: A & B 28 Development LLC

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 26-68 (Attachment 1) granting an eighteen-month extension to obtain a building permit for Planning Verification-Woolsey Fire No. 21-056 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Two-Acre zoning district at 29675 Cuthbert Road (A & B 28 Development LLC).

DISCUSSION: On November 8, 2018, the Woolsey Fire destroyed 465 homes in the City of Malibu. On March 12, 2025, the City Council adopted Ordinance No. 524 (Attachment 3), which extended the ability to initiate the planning application process and obtain a building permit to rebuild a structure that was damaged or destroyed by a disaster. Section 17.60.020(C) of the Malibu Municipal Code was amended to read as follows:

> Any structure, including any structure that was damaged or destroyed by a natural disaster, 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. Structures that were damaged or destroyed by a

> natural disaster may be permitted, at the discretion of the planning director through approval of a planning verification, to increase the square footage, height or bulk permitted by this title by 10 percent of the existing or previously existing square footage, height or bulk of the structure. Increased height or bulk on non-beachfront properties shall not exceed 18 feet, unless a site plan review is obtained, and increased square footage shall not exceed the limits of Section 17.40.040(A)(13). The application for the reconstruction must be initiated with the city within six years of the date of damage or destruction, and a building permit must be diligently pursued and obtained within eight years from the date of damage or destruction and not become expired. A request for an extension of time past the six-year or eight-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 six- or eight-year limit creates an undue hardship. Extensions for applications may not total more than three years for a maximum total of nine years from the date of the disaster. Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

Absent a time extension, a building permit would need to be obtained for Planning Verification-Woolsey Fire (PVWF) No. 21-056 no later than November 9, 2026. On October 23, 2026, applicant Vitus Matare and Associates, on behalf of owner A & B 28 Development LLC, submitted a request for an eighteen-month time extension to the deadline to obtain a building permit for a nonconforming in-kind plus ten percent disaster rebuild of a single-family residence and attached garage.

The Woolsey Fire rebuild was delayed by the financial hardship of the original owner due to being under-insured and unable to obtain interim financing for construction. The property was recently acquired by a close friend of the original owner who has been moving quickly to compile all necessary engineering reports and architectural, structural and civil plans. Construction documents are under review, Los Angeles County Waterworks District No. 29 has provided a Fire Flow Certification and the owner intends to move forward with development after the rainy season and once the building permit has been issued. The owner's basis for due cause is included as Attachment 2.

CONCLUSION: Should the Planning Commission approve the time extension request, the owner would have until May 8, 2028 to obtain a building permit for PVWF No. 21-056.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-68
2. Time Extension Request
3. City Council Ordinance No. 524

All referenced City Council and Planning Commission records are available for review at http://www.malibucity.org/onbase.

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-68

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING AN EIGHTEEN-MONTH EXTENSION TO OBTAIN A BUILDING PERMIT FOR PLANNING VERIFICATION-WOOLSEY FIRE NO. 21-056 TO REBUILD NONCONFORMING USES OR STRUCTURES DAMAGED OR DESTROYED IN THE WOOLSEY FIRE FOR THE PROPERTY LOCATED IN THE RURAL RESIDENTIAL, TWO-ACRE ZONING DISTRICT AT 29675 CUTHBERT ROAD (A & B 28 DEVELOPMENT 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-Woolsey Fire (PVWF), four years from the date of damage or destruction to obtain building permits, and extensions to these deadlines could not total more than five years.

C. On December 14, 2020, approximately 50 percent of property owners of destroyed homes had submitted a PVWF to rebuild homes. Due to 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 November 22, 2021, Planning Verification-Woolsey Fire (PVWF) No. 21-056 was approved.

E. On January 8, 2024, City Council adopted Ordinance No. 513, which extended the ability to initiate a PVWF within six years of the date of damage or destruction to November 8, 2024, with the ability for the Planning Commission to grant extensions when strict compliance created an undue hardship. Extensions could not total more than nine years. In addition, the deadline to obtain building permits was extended to November 8, 2026.

F. On March 12, 2025 following the 2025 Palisades Fire, City Council adopted Ordinance No. 524, which included an amendment to Malibu Municipal Code Section 17.60.020(C) to allow the Planning Commission to consider requests for an extension of time to obtain a building permit for structures damaged or destroyed by a natural disaster for a maximum total of eleven years from the date of the disaster (November 8, 2029 for the Woolsey Fire).

G. On October 23, 2026, applicant Vitus Matare & Associates, Inc., on behalf of owner A & B 28 Development LLC, submitted an application requesting an eighteen-month extension to the November 8, 2026 deadline to obtain a building permit for an in-kind plus ten percent rebuild of nonconforming uses or structures. The Woolsey Fire destroyed the single-family residence and

attached garage. The rebuild was delayed by the financial hardship of the original owner due to being under-insured and unable to obtain interim financing for construction. The property was recently acquired by a close friend of the original owner who has compiled all necessary engineering reports and architectural, structural and civil plans. Construction documents are under review and Los Angeles County Waterworks District No. 29 has provided a Fire Flow Certification. The owner requests additional time to obtain a building permit due to the proximity of the grading moratorium and the potential for El Nino impacts.

H. On November 16, 2026, the Planning Commission held a duly noticed public hearing on the request, reviewed and considered the agenda report, reviewed and considered written correspondence, public testimony, and other information in the record.

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 obtain a building permit for nonconforming structures and uses damaged 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.

Based on substantial evidence in the record, the Planning Commission finds that, due to unusual circumstances, strict compliance with the eight-year time limit imposed by Malibu Municipal Code Section 17.60.020(C) would create an undue hardship. 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 obtain a building permit for PVWF No. 21-056. The Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby grants the property owner an eighteen-month time extension to obtain a building permit for PVWF No. 21-056 to rebuild non-conforming uses or structures destroyed or damaged in the Woolsey Fire. Said building permit shall be obtained by May 8, 2028.

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

PASSED, APPROVED AND ADOPTED this 16th day of November, 2026.

MARNI KAMINS, 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, in person at City Hall, or by calling (310) 456-2489, ext. 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-68 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 16th day of November, 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

REBECCA EVANS, Recording Secretary

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-486
Phone (310) 456-2489 · www.malibucity.org

Received
10/23/26
Planning Div.

WOOLSEY FIRE
Non-Conforming In-kind Disaster Rebuild Building Permit Time Extension Request

The City of Malibu will not accept incomplete applications.

Staff use only

Woolsey Fire Extension No. EXTWF No. 26-015

To submit a Woolsey Fire building permit time extension request:

To request a time extension to obtain building permits for a previously approved Planning Verification for a non-conforming in-kind rebuild, the request must be timely received by the Planning Division in person or via email to planningadmin@malibucity.org. The deadline to submit a Woolsey Fire building permit time extension request is **November 8, 2026**. Per California Code of Civil Procedure Section 12(a), because this falls on a weekend, the City will accept requests received and paid on the next business day, Monday, November 9, 2026, by 5:30 PM.

Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster, with maximum extension to **NOVEMBER 8, 2029**. For questions about this form, please email revans@malibucity.org.

Site Address: 29675 Cuthbert Road, Malibu

Planning Verification-Woolsey Fire No: 21-056 **(if applicable)**

ALL of the following must be timely filed to perfect a time extension request.

1. **Time Extension Checklist** — X

   This form with property owner's signature

2. **Time Extension to Obtain Building Permits Request Letter** — X

   A letter setting forth unusual circumstances that render strict compliance to the deadline an undue hardship. Property Owners are encouraged to provide evidence of such hardship. This letter and evidence will be provided to the Planning Commission. I am requesting an extension for 1.5 year(s).

3. **Time Extension Fee** (Director: $723) (Planning Commission: $2,600) or currently adopted fee — X

ATTACHMENT 2

4. **Property Owner's /Occupant's Information**

Name: Billy Williamson Member/Manager A&B 28 Development LLC

Property Owner's mailing Address: [redacted]

Property Owner's telephone: [redacted]

Property Owner's email address: [redacted]

5. **Proof of Ownership / Authorized Representatives** X

If grant deed or title report is held by an LLC or Trust, submit Operating Agreement for LLC or Trust Documents for Trusts to identify authorized representatives

6. **Applicant's Information**

If an applicant is submitting this form on behalf of the property owner, the Authorization to Submit a Project must be filled out and returned with this form.

Name: Vitus Matare

Applicant's mailing address: P.O. Box 1204

Malibu, CA. 90265

Applicant's telephone: 310-456-0606

Applicant's email address: vitus.matare@gmail.com

7. **Acknowledgements**

MMC Section 17.60.020(A) 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."

Pursuant to MMC Section 17.60.020(C), any structure described in subsection Section 17.60.020 (A), 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 six years of the date of damage or destruction, and a building permit is diligently pursued and obtained within eight years from the date of damage or destruction and has not expired. A request for an extension of time to the six-year or eight-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 six- or eight-year limit creates an undue hardship. **Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster**. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

I hereby certify that I am presently the legal owner of the above-described property and have read MMC Sections 17.60.020(A) and (C).

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
	Billy Williamson Member - on behalf of A&B 28 Development, LLC	10-19-26
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE

I hereby certify that the time extension request submittal contains all of the above items. I understand that if any of the items are missing or subsequently deficient, the time extension shall be deemed to have been withdrawn and the request is invalid. I acknowledge that the City strongly encourages me to immediately calendar the expiration date of this permit, that it is my responsibility to monitor its status and that the City has no ability to provide relief when a permit has expired.

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
	Billy Williamson Member - on behalf of A&B 28 Development, LLC	10-19-26
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE

8. Indemnification Clause

The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
	Billy Williamson Member - on behalf of A&B 28 Development, LLC	10-19-26
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE

Note: November 8, 2024 was the deadline to submit a time extension request to submit a <u>Planning Verification</u> for non-conforming structures damaged or destroyed in the Woolsey Fire. No request to extend the deadline to submit a Planning Verification can be accepted at this time.

AUTHORIZATION TO SUBMIT A PROJECT

Vitus Matare (print name) is authorized by me/us as the owner(s) of the property located at 29675 Cuthbert Rd, Malibu 90265, to submit an application to and obtain permits from the City of Malibu Planning Division and to act on my/our behalf of the process that applicant. This authorization will be valid until revoked by me/us in writing.

This form must be notarized if not witnessed by City of Malibu staff.

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
	Billy Williamson Member - on behalf of A&B 28 Development, LLC	10-19-26
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE

Witnessed by:

Dated: _____

_____
Witness Signature (Staff)

_____
Print Name

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of California

County of Los Angeles

On 19 October 2026 before me, **Brian Cole, Notary Public**
(Insert Name of Notary Public and Title)

Personally appeared Bill Philip Williamson
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~s~~/are subscribed to the within instrument and acknowledged to me that ~~he~~/she/they executed the same in ~~his~~/her/their authorized capacity(ies), and that by ~~his~~/her/their signatures(s) on the instrument that person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the forgoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)



VITUS MATARÉ & ASSOCIATES, INC.
P.O. Box 1204, Malibu, California 90265 ph 310.317.0700
info@vitusmatare.com

10-22-2026
Community Development Manager Tyler Eaton
City of Malibu Planning Dept
23825 Stuart Ranch Road, Malibu CA 90265

Re: 29675 Cuthbert Road (APN 4469-008-009)
PVWF 21-056

Dear Tyler,
We are requesting a one and a half year extension of PVWF 21-056 for like-kind +10% reconstruction of the home at 29675 Cuthbert Road, destroyed in the Woolsey Fire. Construction documents are currently under review by True North and all City agencies.

We have received our Fire Flow Certification from District 29 and have minor corrections back from our "Occupancy" submittal to the Fire Prevention Bureau. All required construction drawings and reports are completed and presently under review.

The 29675 Cuthbert Road property was recently acquired by a close friend of the original property owner. That original owner was under-insured during the Woolsey Fire and still cannot afford to rebuild. He reluctantly transferred ownership to his friend, Bill Williamson. Our firm has been hired by the new owner and we have worked diligently to compile all of the necessary engineering reports, update Planning Verification approval PVWF 21-056 and submit full architectural, structural and civil plans to building plan check as quickly as possible. We were at a disadvantage as the prior owner held on until the last minute hoping for some bridge loan or other interim financing.

No further revisions to the house design are proposed by our team. The new property owner intends to move forward with construction immediately after this rainy season and once the building permit is issued. We respectfully request an extension of PVWF- 21-056 for one and a half additional years.

Please advise if further information might be helpful.

Sincerely -

Vitus Mataré

ORDINANCE NO. 524

AN ORDINANCE OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT 25-001, AN AMENDMENT TO THE LOCAL COASTAL PROGRAM AND ZONING TEXT AMENDMENT NO. 25-001, AN AMENDMENT TO TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE UPDATING REGULATIONS TO FACILITATE THE REBUILDING OF STRUCTURES DAMAGED OR DESTROYED BY NATURAL DISASTERS, INCLUDING BUT NOT LIMITED TO, THE 2025 PALISADES FIRE, 2024 FRANKLIN FIRE, AND 2024 BROAD FIRE TO PROVIDE RELIEF FOR THOSE AFFECTED, AND FINDING THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Recitals.

A. On November 6, 2024, the Broad Fire began and destroyed structures on at least 4 properties in Malibu leaving residents with an urgent need to rebuild.

B. On December 9, 2024, the Franklin Fire destroyed structures on at least 38 properties in Malibu leaving residents with an urgent need to rebuild.

C. On January 7, 2025, the Palisades Fire destroyed structures on over 700 properties in Malibu leaving residents with an urgent need to rebuild. The Governor of California has declared the event a State of Emergency and the President of the United States has declared the event a Federal Emergency.

D. On January 27, 2025, the City Council adopted Resolution No. 25-06 to: 1) initiate a Local Coastal Program (LCP) amendment and zoning text amendment to consider changes to the Malibu LCP and Title 17 (Zoning) of the Malibu Municipal Code (MMC) to facilitate the rebuilding of structures damaged or destroyed by the 2025 Palisades Fire, 2024 Franklin Fire, and 2024 Broad Fire and provide relief for those affected by the fires; 2) Bypass the Zoning Ordinance Revisions and Code Enforcement Subcommittee and directed the Planning Commission to schedule a public hearing regarding the same.

E. On January 30, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

F. On February 6, 2025, a Notice of Planning Commission Public Hearing was republished in a newspaper of general circulation within the City of Malibu as a courtesy.

G. On February 13, 2025, Governor Newsom issued Executive Order N-20-25, which suspended requirements of the California Environmental Quality Act and California Coastal Act for Palisades Fire rebuilds and related issues.

H. On February 13, 2025, a Notice of Availability of Local Coastal Program Amendment (LCPA) Documents and a Notice of City Council Public Hearings for both the March 4, 2025 and March 10, 2025 meetings were published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

I. On February 20, 2025, the Planning Commission held a duly noticed public hearing on the proposed rebuild amendments on LCPA 25-001 and ZTA No.25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record.

J. On March 4, 2025, the City Council held a meeting which included a public workshop on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council completed the public workshop and adjourned the public hearing to March 5, 2025.

K. On March 5, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The meeting was adjourned to March 6, 2025.

L. On March 6, 2025, the City Council continued the public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on first reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001 as recommended by staff with the additional changes presented at the March 6, 2025 meeting. The City Council adopted Urgency Ordinance No. 524U for the Malibu Municipal Code amendments to go into effect immediately.

M. On March 10, 2025, the City Council continued the public hearing for the second reading to March 12, 2025.

N. On March 12, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on second reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001.

SECTION 2. Environmental Review.

Pursuant to Public Resources Code Section 21080.9, California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. LCP Local Implementation Plan (LIP) Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and the City's Zoning Ordinance. In order to prevent

inconsistency between the LCP and the City's Zoning Ordinance, if the LCPA is approved, the City must also approve the corollary amendment to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCPA and because they are entirely dependent on, related to, and duplicative of the exempt activity, they are subject to the same CEQA exemption.

Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Planning Commission determined that there is no possibility the amendment will have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies. The amendments to the MMC that are not corollary to the LCP can be seen not to have a significant effect on the environment as they merely create permit and fine requirements and allow structures that existed previously to be rebuilt in the same location with substantially the same purpose and capacity as the structure that would be replaced, while also further protecting coastal resources and hazard protections.

SECTION 3. Local Coastal Program Findings.

Based on evidence contained within the record, including the agenda reports for and the hearings on February 20 and March 4, 2025, the City Council hereby finds that the proposed amendment meets the requirements of, and is in conformance with, the policies and requirements of Chapter 3 of the California Coastal Act.

A. The amendments to the LCP meet the requirements of, and are in conformance with the goals, objectives and purposes of the LCP. Updated development standards specific to rebuild projects that were destroyed in natural disaster and relief for those affected, ensure that development standards are in place to facilitate people getting their properties back to where they were before the natural disaster while also incorporating measures that will further enhance and protect coastal resources. Development standards were carefully crafted to meet the goals of the of the LCP.

B. As a part of the LIP, the updated development standards specific to rebuild projects that were destroyed in natural disaster and providing relief for those affected ensure that future development projects and land uses within specific zoning districts conform to applicable LCP policies, goals, and provisions, while taking into consideration the protection and enhancement of visual resources, public access, and recreation opportunities. Incorporating specific requirements for rebuild structures to avoid coastal accessways, be sited the most landward feasible and the installation of structures that will protect the coastal resources from contamination greater than current.

SECTION 4. Zoning Text Amendment Findings.

Pursuant to Malibu Municipal Code Section 17.74.040, the City Council hereby makes the following findings:

A. The subject zoning text amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The proposed amendment serves to enhance the Malibu General Plan Mission Statement, protect public safety and preserve Malibu's natural and cultural resources.

B. The City Council held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan, Malibu Municipal Code and the Malibu Local Coastal Program, and finds that the zoning text amendment is consistent and recommends approval.

SECTION 5. Local Coastal Program Amendment No. 25-001, Amendments to the Local Implementation Plan (LIP).

The City Council hereby amends the LIP as follows:

A. Amend Section 2.1 related to LIP definitions to include the following:

SECONDARY DEVELOPMENT PAD - a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

PRIMARY DEVELOPMENT PAD - the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 3.6(M)(1) related to residential development standards for temporary homes, to read as follows:

1. No more than two temporary housing structures which together total no more than one thousand (1,000) square feet shall be permitted.

C. Amend LIP Section 13.4.6(A) and (B), and add Section 13.4.6(A)(4) related to coastal development permit exemptions, to read as follows:

A. The replacement of any structure, other than a public works facility, destroyed by a disaster provided that the replacement structure meets all the of the following criteria:

1. It is for the same use as the destroyed structure;
2. It does not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent, and

3. It is sited in substantially the same location on the affected property as the destroyed structure.

As used in this section, "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

4. Mechanized equipment or temporary shoring on the beach necessary to construct the replacement structure is allowed under this exemption for beachfront properties only if there are no feasible alternatives and construction activities do not enter the intertidal zone or extend beyond the previously existing primary development pad and appropriate Best Management Practices are used.

B. An onsite wastewater treatment system (OWTS) that was damaged or destroyed by a natural disaster may be replaced and improved provided that the replacement OWTS is located within the existing primary development pad and is the minimum standard size necessary to meet the building code for the existing or replacement structure it serves. If the new OWTS exceeds the minimum standard size or is located outside the primary development pad, then a De Minimis Waiver or OWTS Coastal Development Permit shall be required as applicable by Sections 13.4.11 and 13.29 respectively. For OWTS replacements on or adjacent to a sandy beach or coastal bluff, the OWTS shall be sited in the most landward location feasible and may not extend further seaward than the existing and/or previously existing seawall, whichever is more landward.

D. Amend LIP Section 13.4.11(A) and (A)(1) and (2), and add subsections (3), (4), (5), and (6); Amend 13.4.11(B)(1),(2), (3), and (5); Amend 13.4.11(C)(2) and(3); and amend 13.4.11(D), related to general requirements for de minimis waiver, to read as follows:

13.4.11 General Requirements for De Minimis Waiver

A. General Requirements for De Minimis Waiver.

The requirement for a coastal development permit may be waived through a De Minimis Coastal Development Permit Waiver issued by the planning director for the items listed below where the improvements are not otherwise exempt pursuant to Section 13.4, provided all the requirements of subsections B and C are met. The planning director's decision on whether to issue a de minimis waiver is not locally appealable; however if the development is within the appealable jurisdiction of the California Coastal Commission, the decision of the planning director is appealable to the Coastal Commission as described below in subsection (C).

1. Improvements to an onsite wastewater treatment system (OWTS) serving a structure that replaces one that was damaged or destroyed as a result of a natural disaster, where the improvements involve installing a new system or upgrading an

existing system to an advanced system on the same lot and does not meet the exemption criteria of Section 13.4.6(B).

2. Minor improvements to existing driveways or access roads that are required by the fire department after a natural disaster, such as minor changes to the width or grade of driveways or access roads. This includes accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement, including new cuts on slopes steeper than 3:1 but less than 1:1, subject to geotechnical feasibility review. Retaining walls shall not exceed six (6) feet in height. New retaining walls that replace an existing wall being removed as a result of the driveway widening are allowed to be replaced to the same height of previous wall and may increase in height by a maximum of three (3) additional feet but shall not have a total height in excess of nine (9) feet. Access improvements that do not meet the findings for a waiver may be processed as an administrative coastal development permit (ACDP) under Section 13.13.1(A) or as a regular coastal development permit.
3. Replacement seawalls that exceed ten (10) percent in height. The replacement seawall shall be sited in the same footprint as the previous seawall and shall not expand further seaward nor shall it extend further into an existing public access easement, deed restriction or view corridor.
4. Increases in the previous finished floor elevation for structures that replace one that was damaged or destroyed as result of a natural disaster, where the previous finished floor elevation must be raised to a higher elevation to meet Federal Emergency Management Agency (FEMA) flood zone requirements as determined by the City's floodplain administrator. Such increase shall not exceed the increase in elevation to the finished floor required to meet the minimum FEMA flood zone requirements. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.
5. Replacement structures that would otherwise be exempt from the requirement to obtain a coastal development permit pursuant to Section 13.4.6(A) but are proposed to be sited not in substantially the same location where the damaged or destroyed structure was located so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration. This waiver may include retaining walls and grading necessary for the construction of the relocated structure, but cuts may not be made into slopes steeper than 1:1 and retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet.
6. Water tanks and other water storage devices necessary to construct, install, or use a replacement structure that was damaged or destroyed by a natural disaster and as required or recommended by applicable federal, state and local laws and regulations. New shoreline protection devices are not included under this waiver.

B. Findings for and Reporting of De Minimis Waivers.

All decisions on de minimis waivers shall be accompanied by written findings:

1. That the structures or improvements have no potential for adverse effects, either individually or cumulatively, on coastal resources or public access to the shoreline or along the coast.
2. That the structures or improvements are consistent with the certified Malibu Local Coastal Program, including the resource protection policies, as applicable.
3. If an OWTS is to be relocated on the lot, that the director, in consultation with the environmental health administrator, has determined the relocation is necessary to better protect coastal resources and if on a beachfront lot, is no further seaward than the existing OWTS or no further seaward than the previously existing seawall, whichever is further landward.
4. If driveway/road improvements are proposed, that: (a) they are in the same general alignment as the existing road; (b) they are not located in environmentally sensitive habitat area (ESHA); (c) they do not remove or encroach within the protected zone of native trees; and (d) they do not adversely impact visual resources.
5. For relocation pursuant to Section 13.4.11(A)(5), that the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and primarily safety.

C. Reporting De Minimis Waiver.

1. At the time the application is submitted for filing, the applicant must post, at a conspicuous place as close to the site as possible that is easily accessible by the public and approved by the city, notice, on a form approved by the city, that an application for a de minimis waiver has been submitted to the city. Such notice shall contain a general description of the nature of the proposed development.
2. The planning director shall issue a notice of determination on the application which shall be reported to the planning commission. The notice of determination shall be provided to all known interested parties, including the executive director of the coastal commission, at least ten (10) days prior to the waiver determination being reported to the planning commission. For development within the appealable jurisdiction of the California Commission, the planning director's decision may be appealed by an aggrieved person directly to the California Coastal Commission within ten (10) working days of issuance of the notice of determination only if the development is one of the four types of development listed in the definition of Appealable Coastal Development Permit.
3. If, after consideration of the waiver and any public objections to it, the planning commission requests that the waiver not be effective, then the applicant shall be advised that a Coastal development permit is required for the structures or improvements. Otherwise, the waiver is effective immediately after the planning commission meeting where the matter is heard.

D. Waiver Expiration.

A de minimis waiver shall expire and be of no further force and effect if the authorized structures or improvements are not commenced pursuant to a valid grading and/or building permit, as applicable, within five years of the effective date of the waiver. If expired, a coastal development permit or another waiver shall be required.

SECTION 6. Zoning Text Amendment No. 25-001, Amendments to the Malibu Municipal Code (MMC).

The City Council hereby amends Title 17 - Zoning in the MMC as follows:

A. Amend Section 17.02.060 related to definitions to include the following:

"Secondary development pad" means a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

"Primary development pad" means the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 17.40.040(A)(18)(a) and (g) and add subsections (i), (j), and (k) to read as follows:

18. Temporary Housing. Temporary housing structures as used herein means mobilehomes, trailers, recreational vehicles or other structures which are self-contained units which include sanitary facilities, and facilities for normal daily routines including cooking and sleeping. Temporary housing structures do not include any structure placed upon a permanent foundation, nor do they include tents, yurts, or similar fabric or textile installations. Temporary housing structures used as a residence during reconstruction or in anticipation of reconstruction of a residence destroyed due to natural disaster shall be permitted with a temporary housing permit approved by the Planning Director and shall comply with the following conditions:

a. No more than two temporary housing structures which together total no more than 1,000 square feet shall be permitted.

g. Upon expiration of the temporary housing permit, the property owner shall obtain verification from the city that all temporary housing structures have been removed

from the property. Failure to obtain this verification shall result in a fine of $1,000 per day until the verification is obtained.

i. The temporary housing structures shall be occupied only by the property owner(s) or tenant(s) living on the property at the date of the natural disaster, or their families. Should this requirement be violated, the temporary housing structures must be immediately removed, the property will no longer be eligible to place temporary housing on the property for a period of 5 years, and the owner shall be subject to a fine of $1,000 per day. Liens may also be imposed on the property by the City as a means of compliance.

j. The siting of temporary housing shall be supported by a limited geotechnical report prepared by appropriately licensed professionals which evaluates the location of the proposed temporary housing with respect to geologic and flood hazards that the specific location(s) may be exposed to during the proposed four-year use of the location. Specifically, the threat of post-fire debris flows and floods as described by the United States Geological Survey and identified by the Watershed Emergency Response Team Assessments. A finding is required that the specific location of the temporary housing is safe for its intended use for the duration of use. The report must be submitted to the City for review and accepted by the Building Official.

k. If the temporary housing is supported on anything other than wheels or a trailer which can be readily moved (i.e. a manufactured home), it shall comply with requirements for foundations as noted in Chapter 16, 18 and Appendix G – Flood proof Construction of the current California Building Code and requires a building permit from the City. Temporary housing supported on wheels shall be fastened to the ground.

C. Amend Section 17.44.090(A)(1), to read as follows:

1. The maximum square footage of an ADU shall be 1,000 square feet. The maximum square footage shall include interior and exterior walls, finished and unfinished basements, mezzanines, storage space, and any space with a height clearance (floor to ceiling height dimension) above six feet. The area of a garage (400 square feet maximum) provided as part of accessory dwelling unit and exterior decks or overhangs that are attached to the structure shall not be included in the 1,000 square foot limit.

D. Amend Section 17.45.150(B), to read as follows:

B. Prohibition. All properties within a disaster area are temporarily prohibited from obtaining a new or updated primary view determination unless: (1) the request was submitted prior to the date the natural disaster began as declared or proclaimed by the City, State or Federal government, or as determined by the Planning Director if no declaration or proclamation has been made; or (2) the primary view determination would not impose any limitation on replacement landscaping or replacement structures.

E. Amend Section 17.53.090(C)(1)(a),(b), (c), (e), and (f) and add subsections (h), (i), and (j); and amend Section 17.53.090(C)(2), to read as follows:

a. Palm trees and eucalyptus trees are prohibited.
b. All vegetation is prohibited between zero and five feet from a structure.
c. The following species are prohibited within 50 feet of structures: Pine (Pinus species), Cypress (Cupressus species), Cedar (Cedrus species), Ficus (Ficus species), and Tree of Heaven (Ailanthus altissima).

e. Existing eucalyptus trees are allowed between five feet and 50 feet of a structure if a qualified expert, as determined by the director, identifies the tree(s) as a monarch butterfly habitat.
f. The distances for trees and shrubs subject to (b) through (e) shall be measured from the dripline of the tree or shrub at its projected maturity to the outermost projection of the structure including eaves and overhangs. No tree canopy shall be within five feet of the outermost projection of the structure including eaves and overhangs at projected maturity. Smaller diameter tree branches less than two inches must be removed within five feet of the outermost projection of the structure including eaves and overhangs and within 10 feet above the roof.

h. Only efficiently-irrigated plants and trees as allowed by this chapter shall be allowed between five feet and 30 feet of a structure.
i. Irrigation shall be required and maintained on the site in all planting areas between five feet and 100 feet of a structure, except in geologic hazard areas in which irrigation may not be allowed. Any proposed irrigation shall be reviewed by the project geotechnical consultant and conform to existing surficial stability standards, not contribute to any geologic hazard, and not adversely affect offsite properties. The consultant shall include a statement regarding the impact of the proposed irrigation system in the required Section 111 statement. The city shall review analyses and findings provided by the project geotechnical consultant and determine whether irrigation is allowed or required in geologic hazard areas. All vegetation within 100 feet of a structure shall maintain sufficient moisture content and be supported by appropriately designed irrigation.
j. Plants listed in the City of Malibu 'Invasive Species List' are prohibited.

2. Mulch material proposed between zero and five feet from a structure must consist of nonflammable materials, such as gravel and decomposed granite. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Use of wood chips and shredded rubber is prohibited anywhere on the site. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between five feet and 30 feet from a structure. Non-continuous mulched areas shall be separated with non-flammable materials such as gravel, rocks, decomposed granite, or stone. The distance shall be measured from the outermost projection of the

structure including eaves and overhangs. The maximum application area of mulch located between five feet and 30 feet from a structure is 20 feet by 20 feet with a five-foot separation between application areas. Any mulch materials (excluding wood chips and shredded rubber), are allowed 30 feet or more from a structure with no limitation on application area. Organic mulch shall be maintained with at least a 3 inch depth but must not exceed 6 inches in depth.

F. Amend Section 17.60.020(C) and add subsection (C)(1), to read as follows:

C. Any structure, including any structure that was damaged or destroyed by a natural disaster, 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. Structures that were damaged or destroyed by a natural disaster may be permitted, at the discretion of the planning director through approval of a planning verification, to increase the square footage, height or bulk permitted by this title by 10 percent of the existing or previously existing square footage, height or bulk of the structure. Increased height or bulk on non-beachfront properties shall not exceed 18 feet, unless a site plan review is obtained, and increased square footage shall not exceed the limits of Section 17.40.040(A)(13). The application for the reconstruction must be initiated with the city within six years of the date of damage or destruction, and a building permit must be diligently pursued and obtained within eight years from the date of damage or destruction and not become expired. A request for an extension of time past the six-year or eight-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 six- or eight-year limit creates an undue hardship. Extensions for applications may not total more than three years for a maximum total of nine years from the date of the disaster. Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

1. Replacement structures on beachfront lots are allowed to meet the minimum increases necessary to meet Federal Emergency Management Agency (FEMA) requirements but shall, to the maximum extent feasible, protect neighboring ocean views. Replacement structures shall seek increases in square footage laterally before they are allowed to increase vertically as viewed by neighboring properties. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.

G. Delete Section 17.60.020(F).

H. Amend Section 17.62.030(A), to read as follows:

A. An administrative plan review shall be required for the following development projects, unless they fall under the provisions for a rebuild development permit as provided in Section 17.62.080. If the project meets the requirements of this title and is consistent with Chapter 17.40, the planning manager/ director shall issue a development permit.

I. Amend Section 17.62.040(A) and (A)(10); and add subsection (A)(13) and (C)(1), to read as follows:

A. The planning manager/director may approve a site plan review after consultation with all appropriate city staff and specialists including the building official, city engineer, city biologist, city geologist, city archeologist and city coastal engineer; and where substantial evidence supports the findings set forth in subsection D of this section for new construction or reconstruction of structures authorizing the following:

10. Sea walls, bulkheads, or any other shoreline protective devices, except for those that meet the requirements for a De Minimis Waiver listed in LIP Section 13.4.11 or rebuild development permit listed in Section 17.62.080 as required;

13. Non-beachfront development over 18 feet in height on a replacement structure where the previously existing structure was damaged or destroyed by a natural disaster and the replacement structure is not sited substantially in the same location on the affected property as the damaged or destroyed structure, so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration.

C. Notice of Application Filing. Within 10 calendar days from the receipt date of a complete application, the planning manager/director shall notify in writing of the filing of the application to property owners and residents of all property within a 500 foot radius of the proposed project, but in no event fewer than the owners and occupants of 10 developed properties. Notwithstanding the foregoing, for property in the RR-10 and RR-20 zones the notice radius shall be 1,000 feet. The purpose of the notice is to inform the surrounding property owners and residents of the filing of the application and provide an opportunity for comment on the application prior to the planning manager/director's decision. The notice shall describe the request, provide a map showing the specific location of the property, describe the review process and timeframes, and indicate how to contact the case planner assigned to the application.

1. For development over 18 feet in height where the replacement structure is not proposed to be sited in substantially the same location on the affected property as the damaged or destroyed structure, a notice of application shall be provided to all properties within a 1,000 foot radius of the development.

J. Add Section 17.62.080. Rebuild development permit, to read as follows:

§ 17.62.080. Rebuild development permit.

A. A rebuild development permit shall be required for the following development projects related to structures being replaced after being damaged or destroyed in a natural disaster. It shall be issued by planning manager/director upon demonstrating by a preponderance of the evidence that all requirements of the municipal code are met, as applicable.

1. Mechanized equipment or temporary shoring on the beach necessary to construct beachfront properties so long as construction activities do not enter the intertidal zone and in no case shall extend beyond the previously existing primary development pad.

2. An onsite wastewater treatment system (OWTS) that replaces or improves an OWTS serving a structure that that was damaged or destroyed by a natural disaster.

a. OWTS replacements on a sandy beach or coastal bluff shall be sited the most landward feasible as determined by appropriate city staff, shall not impact existing public accessways, and shall not extend seaward of the previously existing primary development pad.

b. OWTS replacements shall be located in the least environmentally impactful area.

3. New seawalls, as determined necessary by the planning director or building official to protect coastal resources, that protect an OWTS serving a structure that was damaged or destroyed by a natural disaster. New seawalls shall be sited only at the boundary of OWTS that it protects. New seawalls shall not extend into any existing public access easements or public access deed restrictions, excluding any such easements or deed restrictions on the seaward side of the OWTS it protects, and shall not expand further into previously approved public view corridors or further into open space deed restrictions.

4. Any new structure or improvement (including, but not limited to, foundation systems, utilities, driveways, water tanks, and other water storage devices) that is necessary or recommended to construct, install, or use the replacement structure described in subsection (A) in compliance with all applicable state and local laws and regulations.

5. Minor improvements to existing driveways or access roads that are required by the fire department after a natural disaster, such as minor changes to the width or grade of driveways or access roads. Accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement shall also be allowed, including new cuts on slopes steeper than 3:1 but shall not exceed 1:1 or steeper. Retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet. Improvements shall not extend into a public access easement or public access deed restriction and shall not expand further into a previously approved public view corridor (except for on-grade driveways), or further into open space deed restrictions. Access improvements that

do not meet the requirements of this subsection may be processed as an administrative coastal development permit or as a regular coastal development permit as listed in the Malibu LIP.

B. Application Submittal. An application shall be filed with the planning division and may be part of the planning verification application for replacement structures that were damaged or destroyed by a natural disaster. Applications shall be complete only after all required information is submitted; review by all appropriate city staff and specialists including review by the building official, city engineer, city biologist, city geologist, city archeologist, city coastal engineer and city environmental health specialist, as deemed necessary, is complete; and the application fee determined by resolution of the city council is paid.

C. Action. The planning manager/director shall approve, deny, or approve with conditions a rebuild development permit within 15 calendar days from the date of a complete application. Complete application determinations shall be determined solely by the City. The City may include incomplete/or nonconforming plans as a basis for an incomplete application in addition to standard application requirements. No decision shall be subject to invalidation on the grounds that it is made after the deadline. The applicant shall be informed of the action by letter and/or approved plans. Action of the planning manager/director shall be final and not appealable.

D. Expiration. An approved rebuild development permit shall expire three years from the date of final approval, unless a time extension has been granted, or work has commenced and substantial progress made (as determined by the building official) and the work is continuing under a valid building permit. If no building permit is required, the rebuild development permit approval shall expire after three years from the date of final planning approval if construction is not completed. If a rebuild development permit is included within a planning verification application pursuant to Section 17.60.020(C), then the rebuild development permit shall expire when the planning verification expires.

E. Extension. The planning manager/director may grant up to four one-year extensions of the expiration of a rebuild development permit approval, if the planning manager/director finds, Based on substantial evidence, that due to unusual circumstances, strict compliance with the expiration date of the permit would create an undue hardship for the applicant.

SECTION 7. Effective Date.

The LCPA sections referenced in Section 5 of this Ordinance shall become effective upon certification by the California Coastal Commission. The ZTA sections referenced in Section 6 of this ordinance shall become effective 30 days following adoption by the City Council.

SECTION 8. Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality or the remaining portions of this Ordinance; it being hereby expressly declared and this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phases be declared invalid or unconstitutional.

SECTION 9. Certification.

The City Clerk shall certify to the passage and adoption of this Ordinance.

PASSED, APPROVED, and ADOPTED this 12th day of March 2025.

MARIANNE RIGGINS, Mayor Pro-Tem

ATTEST:

CHRISTINA MUNOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal) 3/12/2025

APPROVED AS TO FORM:

KELLAN MARTZ, Assistant City Attorney
for TREVOR RUSIN, Interim City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 524 was passed and adopted at the Adjourned Regular City Council meeting of March 12, 2025, by the following vote:

AYES:	3	Councilmembers:	Conrad, Uhring, Riggins
NOES:	0		
ABSTAIN:	1	Councilmembers:	Silverstein
ABSENT:	1	Councilmembers:	Stewart

CHRISTINA MUÑOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal)

Commission Agenda Report

Planning Commission Meeting
11-16-26
Item 3.B.4.

To: Chair Kamins and Members of the Planning Commission

Prepared by: Rebecca Evans, MS, Senior Management Analyst

Reviewed by: Tyler Eaton, AICP, Assistant Community Development Director

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director

Date prepared: November 5, 2026 Meeting date: November 16, 2026

Subject: Extension of Planning Verification-Woolsey Fire No. 24-022 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire

Location: 31220 Anacapa View Drive
APN: 4470-004-017
Owner: High Desert Development, LLC

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 26-70 (Attachment 1) granting an eighteen-month extension to obtain a building permit for Planning Verification-Woolsey Fire No. 24-022 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Five-Acre zoning district at 31220 Anacapa View Drive (High Desert Development, LLC).

DISCUSSION: On November 8, 2018, the Woolsey Fire destroyed 465 homes in the City of Malibu. On March 12, 2025, the City Council adopted Ordinance No. 524 (Attachment 3), which extended the ability to initiate the planning application process and obtain a building permit to rebuild a structure that was damaged or destroyed by a disaster. Section 17.60.020(C) of the Malibu Municipal Code was amended to read as follows:

> Any structure, including any structure that was damaged or destroyed by a natural disaster, 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. Structures that were damaged or destroyed by a

> natural disaster may be permitted, at the discretion of the planning director through approval of a planning verification, to increase the square footage, height or bulk permitted by this title by 10 percent of the existing or previously existing square footage, height or bulk of the structure. Increased height or bulk on non-beachfront properties shall not exceed 18 feet, unless a site plan review is obtained, and increased square footage shall not exceed the limits of Section 17.40.040(A)(13). The application for the reconstruction must be initiated with the city within six years of the date of damage or destruction, and a building permit must be diligently pursued and obtained within eight years from the date of damage or destruction and not become expired. A request for an extension of time past the six-year or eight-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 six- or eight-year limit creates an undue hardship. Extensions for applications may not total more than three years for a maximum total of nine years from the date of the disaster. Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

Absent a time extension, a building permit would need to be obtained for Planning Verification-Woolsey Fire (PVWF) No. 24-022 no later than November 9, 2026. On October 26, 2026, applicant Vitus Matare and Associates, on behalf of owner High Desert Development LLC, submitted a request for an eighteen-month time extension to the deadline to obtain a building permit for a nonconforming in-kind plus ten percent disaster rebuild of a single-family residence and garage.

The Woolsey Fire rebuild was delayed by complex issues including certification of the existing well, percolation testing for septic components that meet required setbacks from neighboring wells and the requirement that the existing foundation cannot be reused but must not be removed. Additionally, the desktop computers and office server of the applicant were destroyed in the Palisades Fire, which necessitated extra time to recompile all required reports and plans. Los Angeles County Waterworks District No. 29 has provided a Fire Flow Certification and the Los Angeles County Fire Prevention Bureau has approved the fuel modification plan. The construction set was submitted to building plan check and the owner intends to move forward with development after the rainy season and once the building permit has been issued. The owner's basis for due cause is included as Attachment 2.

CONCLUSION: Should the Planning Commission approve the time extension request, the owner would have until May 8, 2028 to obtain a building permit for PVWF No. 24-022.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-70
2. Time Extension Request
3. City Council Ordinance No. 524

All referenced City Council and Planning Commission records are available for review at http://www.malibucity.org/onbase.

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-70

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING AN EIGHTEEN-MONTH EXTENSION TO OBTAIN A BUILDING PERMIT FOR PLANNING VERIFICATION-WOOLSEY FIRE NO. 24-022 TO REBUILD NONCONFORMING USES OR STRUCTURES DAMAGED OR DESTROYED IN THE WOOLSEY FIRE FOR THE PROPERTY LOCATED IN THE RURAL RESIDENTIAL, FIVE-ACRE ZONING DISTRICT AT 31220 ANACAPA VIEW DRIVE (HIGH DESERT DEVELOPMENT, 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-Woolsey Fire (PVWF), four years from the date of damage or destruction to obtain building permits, and extensions to these deadlines could not total more than five years.

C. On December 14, 2020, approximately 50 percent of property owners of destroyed homes had submitted a PVWF to rebuild homes. Due to 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 November 18, 2024, Planning Verification-Woolsey Fire (PVWF) No. 24-022 was approved.

E. On January 8, 2024, City Council adopted Ordinance No. 513, which extended the ability to initiate a PVWF within six years of the date of damage or destruction to November 8, 2024, with the ability for the Planning Commission to grant extensions when strict compliance created an undue hardship. Extensions could not total more than nine years. In addition, the deadline to obtain building permits was extended to November 8, 2026.

F. On March 12, 2025 following the 2025 Palisades Fire, City Council adopted Ordinance No. 524, which included an amendment to Malibu Municipal Code Section 17.60.020(C) to allow the Planning Commission to consider requests for an extension of time to obtain a building permit for nonconforming uses or structures damaged or destroyed by a natural disaster for a maximum total of eleven years from the date of the disaster (November 8, 2029 for the Woolsey Fire).

G. On October 26, 2026, applicant Vitus Matare & Associates, Inc., on behalf of owner High Desert Development, LLC, submitted an application requesting an eighteen-month extension to the November 8, 2026 deadline to obtain a building permit for an in-kind plus ten percent rebuild

of nonconforming uses or structures. The Woolsey Fire destroyed the single-family residence and garage. The applicant cited complex issues including certification of the existing well and percolation testing for septic components that meet required setbacks from neighboring wells and the requirement that the existing foundation cannot be reused but must not be removed. Additionally, all VMA desktop computers and the office server storing files pertaining to the project were destroyed in the Palisades Fire. Extra time was required to recompile reports and plans. The owner has diligently pursued rebuilding and has an approved PVWF but requests additional time to obtain a building permit due to the proximity of the rainy season grading moratorium.

H. On November 16, 2026, the Planning Commission held a duly noticed public hearing on the request, reviewed and considered the agenda report, reviewed and considered written correspondence, public testimony, and other information in the record.

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 obtain a building permit for nonconforming structures and uses damaged 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.

Based on substantial evidence in the record, the Planning Commission finds that, due to unusual circumstances, strict compliance with the eight-year time limit imposed by Malibu Municipal Code Section 17.60.020(C) would create an undue hardship. 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 obtain a building permit for PVWF No. 24-022. The Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby grants the property owner an eighteen-month time extension to obtain a building permit for PVWF No. 24-022 to rebuild non-conforming uses or structures destroyed or damaged in the Woolsey Fire. Said building permit shall be obtained by May 8, 2028.

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

PASSED, APPROVED AND ADOPTED this 16th day of November, 2026.

MARNI KAMINS, 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, in person at City Hall, or by calling (310) 456-2489, ext. 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-70 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 16th day of November, 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

REBECCA EVANS, Recording Secretary

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · www.malibucity.org

WOOLSEY FIRE
Non-Conforming In-kind Disaster Rebuild
Building Permit Time Extension Request

The City of Malibu will not accept incomplete applications.

Staff use only

EXTWF No. 26-016

Woolsey Fire Extension No. _____

To submit a Woolsey Fire building permit time extension request:

To request a time extension to obtain building permits for a previously approved Planning Verification for a non-conforming in-kind rebuild, the request must be timely received by the Planning Division in person or via email to planningadmin@malibucity.org. The deadline to submit a Woolsey Fire building permit time extension request is **November 8, 2026**. Per California Code of Civil Procedure Section 12(a), because this falls on a weekend, the City will accept requests received and paid on the next business day, Monday, November 9, 2026, by 5:30 PM.

Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster, with maximum extension to **NOVEMBER 8, 2029**. For questions about this form, please email revans@malibucity.org.

Site Address: 31220 Anacapa View Drive, Malibu

Planning Verification-Woolsey Fire No: 24-022 (SRC 25-095) **(if applicable)**

ALL of the following must be timely filed to perfect a time extension request.

1. **Time Extension Checklist** _____

   This form with property owner's signature

2. **Time Extension to Obtain Building Permits Request Letter** _____

   A letter setting forth unusual circumstances that render strict compliance to the deadline an undue hardship. Property Owners are encouraged to provide evidence of such hardship. This letter and evidence will be provided to the Planning Commission. I am requesting an extension for 1.5 year(s).

3. **Time Extension Fee** (Director: $723) (Planning Commission: $2,600) or currently adopted fee _____

ATTACHMENT 2

4. **Property Owner's /Occupant's Information**

Name: Tarek Khalafalla

Property Owner's mailing Address: [redacted]

Property Owner's telephone: [redacted]

Property Owner's email address: [redacted]

5. Proof of Ownership / Authorized Representatives

If grant deed or title report is held by an LLC or Trust, submit Operating Agreement for LLC or Trust Documents for Trusts to identify authorized representatives

6. Applicant's Information

If an applicant is submitting this form on behalf of the property owner, the Authorization to Submit a Project must be filled out and returned with this form.

Name: Vitus Matare

Applicant's mailing address: P.O. Box 1204

Malibu, CA. 90265

Applicant's telephone: 310-456-0606

Applicant's email address: vitus.matare@gmail.com

7. Acknowledgements

MMC Section 17.60.020(A) 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."

Pursuant to MMC Section 17.60.020(C), any structure described in subsection Section 17.60.020 (A), 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 six years of the date of damage or destruction, and a building permit is diligently pursued and obtained within eight years from the date of damage or destruction and has not expired. A request for an extension of time to the six-year or eight-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 six- or eight-year limit creates an undue hardship. **Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster**. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

I hereby certify that I am presently the legal owner of the above-described property and have read MMC Sections 17.60.020(A) and (C).

Tarek Bashandy Khalafalla	Tarek Khalafalla	10/13/2026
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT) Member - on behalf of High Desert Development, LLC	DATE
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE

I hereby certify that the time extension request submittal contains all of the above items. I understand that if any of the items are missing or subsequently deficient, the time extension shall be deemed to have been withdrawn and the request is invalid. I acknowledge that the City strongly encourages me to immediately calendar the expiration date of this permit, that it is my responsibility to monitor its status and that the City has no ability to provide relief when a permit has expired.

Tarek Bashandy Khalafalla	Tarek Khalafalla	10/13/2026
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT) Member - on behalf of High Desert Development, LLC	DATE
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE

8. Indemnification Clause

The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

Tarek Bashandy Khalafalla	Tarek Khalafalla	10/13/2026
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT) Member - on behalf of High Desert Development, LLC	DATE
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE

Note: November 8, 2024 was the deadline to submit a time extension request to submit a <u>Planning Verification</u> for non-conforming structures damaged or destroyed in the Woolsey Fire. No request to extend the deadline to submit a Planning Verification can be accepted at this time.

AUTHORIZATION TO SUBMIT A PROJECT

Vitus Matare (print name) is authorized by me/us as the owner(s) of the property located at 31220 Anacapa View Drive, Malibu 90265, to submit an application to and obtain permits from the City of Malibu Planning Division and to act on my/our behalf of the process that applicant. This authorization will be valid until revoked by me/us in writing.

This form must be notarized if not witnessed by City of Malibu staff.

Tarek Bashandy Khalafalla	Tarek Khalafalla	10/13/2026
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
	Member - on behalf of High Desert Development, LLC	
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE

Witnessed by:

Dated: _____

_____
Witness Signature (Staff)

_____
Print Name

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of ~~California~~ Pennsylvania

County of Beaver

On 10/13/2026 before me, Sherman L Coe
(Insert Name of Notary Public and Title)

Personally appeared Tarek Refaat Bashandy Khalafalla
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument that person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the forgoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Sherman L Coe (Seal)

Commonwealth of Pennsylvania - Notary Seal
Sherman L Coe, Notary Public
Beaver County
My commission expires September 10, 2028
Commission Number 1452872

Notarized remotely online using communication technology via Proof.

VITUS MATARÉ & ASSOCIATES, INC.
P.O. Box 1204, Malibu, California 90265 ph 310.317.0700
info@vitusmatare.com

10-23-2026

Community Development Manager Tyler Eaton
City of Malibu Planning Dept
23825 Stuart Ranch Road, Malibu CA 90265

Re: 31220 Anacapa View Drive (APN 4470-004-017)
PVWF 24-022

Dear Tyler,
We are requesting a one and a half year extension of PVWF 24-22 for reconstruction of the home at 31220 Anacapa View Drive destroyed in the Woolsey Fire. Construction documents are under review by all City and County agencies.

We have our Fuel Modification as well as "Water and Access" approvals from L.A. County Fire Prevention Bureau and "Will Not Serve" letter from District 29. Our construction set has been submitted to City of Malibu building plan check.

Since the existing foundation cannot be reused but must not be removed, the issue for this project has been finding the right set of consultants to design a workaround that leaves the existing foundations and site walls in place. It is imperative that all-new foundations are used to support this rebuild without disturbing remnants that crowd the designated footprint. Certification of the existing well and percolation testing for septic components that will meet required setbacks from neighboring wells has been another challenge. This is simply one of those complex rebuild projects that could not be handled any faster.

We have been steadily following up and responding promptly to corrections from all agencies. Several design revisions and additional subsurface exploration were required to gain planning stage approval for a feasible project. In addition, all VMA desktop computers and our office server storing files pertaining to this project were destroyed in the Palisades Fire on January 7, 2025 and it has taken extra time to recompile all required reports and plans.

No further revisions to the house design are proposed by our team. Our client intends to move forward with construction immediately once building permits are issued. We respectfully request an extension of PVWF- 24-022 for one and a half additional years.

Please advise if additional information might be helpful.

Sincerely -



Vitus Matare

ORDINANCE NO. 524

AN ORDINANCE OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT 25-001, AN AMENDMENT TO THE LOCAL COASTAL PROGRAM AND ZONING TEXT AMENDMENT NO. 25-001, AN AMENDMENT TO TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE UPDATING REGULATIONS TO FACILITATE THE REBUILDING OF STRUCTURES DAMAGED OR DESTROYED BY NATURAL DISASTERS, INCLUDING BUT NOT LIMITED TO, THE 2025 PALISADES FIRE, 2024 FRANKLIN FIRE, AND 2024 BROAD FIRE TO PROVIDE RELIEF FOR THOSE AFFECTED, AND FINDING THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Recitals.

A. On November 6, 2024, the Broad Fire began and destroyed structures on at least 4 properties in Malibu leaving residents with an urgent need to rebuild.

B. On December 9, 2024, the Franklin Fire destroyed structures on at least 38 properties in Malibu leaving residents with an urgent need to rebuild.

C. On January 7, 2025, the Palisades Fire destroyed structures on over 700 properties in Malibu leaving residents with an urgent need to rebuild. The Governor of California has declared the event a State of Emergency and the President of the United States has declared the event a Federal Emergency.

D. On January 27, 2025, the City Council adopted Resolution No. 25-06 to: 1) initiate a Local Coastal Program (LCP) amendment and zoning text amendment to consider changes to the Malibu LCP and Title 17 (Zoning) of the Malibu Municipal Code (MMC) to facilitate the rebuilding of structures damaged or destroyed by the 2025 Palisades Fire, 2024 Franklin Fire, and 2024 Broad Fire and provide relief for those affected by the fires; 2) Bypass the Zoning Ordinance Revisions and Code Enforcement Subcommittee and directed the Planning Commission to schedule a public hearing regarding the same.

E. On January 30, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

F. On February 6, 2025, a Notice of Planning Commission Public Hearing was republished in a newspaper of general circulation within the City of Malibu as a courtesy.

G. On February 13, 2025, Governor Newsom issued Executive Order N-20-25, which suspended requirements of the California Environmental Quality Act and California Coastal Act for Palisades Fire rebuilds and related issues.

H. On February 13, 2025, a Notice of Availability of Local Coastal Program Amendment (LCPA) Documents and a Notice of City Council Public Hearings for both the March 4, 2025 and March 10, 2025 meetings were published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

I. On February 20, 2025, the Planning Commission held a duly noticed public hearing on the proposed rebuild amendments on LCPA 25-001 and ZTA No.25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record.

J. On March 4, 2025, the City Council held a meeting which included a public workshop on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council completed the public workshop and adjourned the public hearing to March 5, 2025.

K. On March 5, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The meeting was adjourned to March 6, 2025.

L. On March 6, 2025, the City Council continued the public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on first reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001 as recommended by staff with the additional changes presented at the March 6, 2025 meeting. The City Council adopted Urgency Ordinance No. 524U for the Malibu Municipal Code amendments to go into effect immediately.

M. On March 10, 2025, the City Council continued the public hearing for the second reading to March 12, 2025.

N. On March 12, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on second reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001.

SECTION 2. Environmental Review.

Pursuant to Public Resources Code Section 21080.9, California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. LCP Local Implementation Plan (LIP) Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and the City's Zoning Ordinance. In order to prevent

inconsistency between the LCP and the City's Zoning Ordinance, if the LCPA is approved, the City must also approve the corollary amendment to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCPA and because they are entirely dependent on, related to, and duplicative of the exempt activity, they are subject to the same CEQA exemption.

Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Planning Commission determined that there is no possibility the amendment will have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies. The amendments to the MMC that are not corollary to the LCP can be seen not to have a significant effect on the environment as they merely create permit and fine requirements and allow structures that existed previously to be rebuilt in the same location with substantially the same purpose and capacity as the structure that would be replaced, while also further protecting coastal resources and hazard protections.

SECTION 3. Local Coastal Program Findings.

Based on evidence contained within the record, including the agenda reports for and the hearings on February 20 and March 4, 2025, the City Council hereby finds that the proposed amendment meets the requirements of, and is in conformance with, the policies and requirements of Chapter 3 of the California Coastal Act.

A. The amendments to the LCP meet the requirements of, and are in conformance with the goals, objectives and purposes of the LCP. Updated development standards specific to rebuild projects that were destroyed in natural disaster and relief for those affected, ensure that development standards are in place to facilitate people getting their properties back to where they were before the natural disaster while also incorporating measures that will further enhance and protect coastal resources. Development standards were carefully crafted to meet the goals of the of the LCP.

B. As a part of the LIP, the updated development standards specific to rebuild projects that were destroyed in natural disaster and providing relief for those affected ensure that future development projects and land uses within specific zoning districts conform to applicable LCP policies, goals, and provisions, while taking into consideration the protection and enhancement of visual resources, public access, and recreation opportunities. Incorporating specific requirements for rebuild structures to avoid coastal accessways, be sited the most landward feasible and the installation of structures that will protect the coastal resources from contamination greater than current.

SECTION 4. Zoning Text Amendment Findings.

Pursuant to Malibu Municipal Code Section 17.74.040, the City Council hereby makes the following findings:

A. The subject zoning text amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The proposed amendment serves to enhance the Malibu General Plan Mission Statement, protect public safety and preserve Malibu's natural and cultural resources.

B. The City Council held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan, Malibu Municipal Code and the Malibu Local Coastal Program, and finds that the zoning text amendment is consistent and recommends approval.

SECTION 5. Local Coastal Program Amendment No. 25-001, Amendments to the Local Implementation Plan (LIP).

The City Council hereby amends the LIP as follows:

A. Amend Section 2.1 related to LIP definitions to include the following:

SECONDARY DEVELOPMENT PAD - a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

PRIMARY DEVELOPMENT PAD - the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 3.6(M)(1) related to residential development standards for temporary homes, to read as follows:

1. No more than two temporary housing structures which together total no more than one thousand (1,000) square feet shall be permitted.

C. Amend LIP Section 13.4.6(A) and (B), and add Section 13.4.6(A)(4) related to coastal development permit exemptions, to read as follows:

A. The replacement of any structure, other than a public works facility, destroyed by a disaster provided that the replacement structure meets all the of the following criteria:

1. It is for the same use as the destroyed structure;
2. It does not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent, and

3. It is sited in substantially the same location on the affected property as the destroyed structure.

As used in this section, "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

4. Mechanized equipment or temporary shoring on the beach necessary to construct the replacement structure is allowed under this exemption for beachfront properties only if there are no feasible alternatives and construction activities do not enter the intertidal zone or extend beyond the previously existing primary development pad and appropriate Best Management Practices are used.

B. An onsite wastewater treatment system (OWTS) that was damaged or destroyed by a natural disaster may be replaced and improved provided that the replacement OWTS is located within the existing primary development pad and is the minimum standard size necessary to meet the building code for the existing or replacement structure it serves. If the new OWTS exceeds the minimum standard size or is located outside the primary development pad, then a De Minimis Waiver or OWTS Coastal Development Permit shall be required as applicable by Sections 13.4.11 and 13.29 respectively. For OWTS replacements on or adjacent to a sandy beach or coastal bluff, the OWTS shall be sited in the most landward location feasible and may not extend further seaward than the existing and/or previously existing seawall, whichever is more landward.

D. Amend LIP Section 13.4.11(A) and (A)(1) and (2), and add subsections (3), (4), (5), and (6); Amend 13.4.11(B)(1),(2), (3), and (5); Amend 13.4.11(C)(2) and(3); and amend 13.4.11(D), related to general requirements for de minimis waiver, to read as follows:

13.4.11 General Requirements for De Minimis Waiver

A. General Requirements for De Minimis Waiver.

The requirement for a coastal development permit may be waived through a De Minimis Coastal Development Permit Waiver issued by the planning director for the items listed below where the improvements are not otherwise exempt pursuant to Section 13.4, provided all the requirements of subsections B and C are met. The planning director's decision on whether to issue a de minimis waiver is not locally appealable; however if the development is within the appealable jurisdiction of the California Coastal Commission, the decision of the planning director is appealable to the Coastal Commission as described below in subsection (C).

1. Improvements to an onsite wastewater treatment system (OWTS) serving a structure that replaces one that was damaged or destroyed as a result of a natural disaster, where the improvements involve installing a new system or upgrading an

existing system to an advanced system on the same lot and does not meet the exemption criteria of Section 13.4.6(B).

2. Minor improvements to existing driveways or access roads that are required by the fire department after a natural disaster, such as minor changes to the width or grade of driveways or access roads. This includes accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement, including new cuts on slopes steeper than 3:1 but less than 1:1, subject to geotechnical feasibility review. Retaining walls shall not exceed six (6) feet in height. New retaining walls that replace an existing wall being removed as a result of the driveway widening are allowed to be replaced to the same height of previous wall and may increase in height by a maximum of three (3) additional feet but shall not have a total height in excess of nine (9) feet. Access improvements that do not meet the findings for a waiver may be processed as an administrative coastal development permit (ACDP) under Section 13.13.1(A) or as a regular coastal development permit.
3. Replacement seawalls that exceed ten (10) percent in height. The replacement seawall shall be sited in the same footprint as the previous seawall and shall not expand further seaward nor shall it extend further into an existing public access easement, deed restriction or view corridor.
4. Increases in the previous finished floor elevation for structures that replace one that was damaged or destroyed as result of a natural disaster, where the previous finished floor elevation must be raised to a higher elevation to meet Federal Emergency Management Agency (FEMA) flood zone requirements as determined by the City's floodplain administrator. Such increase shall not exceed the increase in elevation to the finished floor required to meet the minimum FEMA flood zone requirements. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.
5. Replacement structures that would otherwise be exempt from the requirement to obtain a coastal development permit pursuant to Section 13.4.6(A) but are proposed to be sited not in substantially the same location where the damaged or destroyed structure was located so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration. This waiver may include retaining walls and grading necessary for the construction of the relocated structure, but cuts may not be made into slopes steeper than 1:1 and retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet.
6. Water tanks and other water storage devices necessary to construct, install, or use a replacement structure that was damaged or destroyed by a natural disaster and as required or recommended by applicable federal, state and local laws and regulations. New shoreline protection devices are not included under this waiver.

B. Findings for and Reporting of De Minimis Waivers.

All decisions on de minimis waivers shall be accompanied by written findings:

1. That the structures or improvements have no potential for adverse effects, either individually or cumulatively, on coastal resources or public access to the shoreline or along the coast.
2. That the structures or improvements are consistent with the certified Malibu Local Coastal Program, including the resource protection policies, as applicable.
3. If an OWTS is to be relocated on the lot, that the director, in consultation with the environmental health administrator, has determined the relocation is necessary to better protect coastal resources and if on a beachfront lot, is no further seaward than the existing OWTS or no further seaward than the previously existing seawall, whichever is further landward.
4. If driveway/road improvements are proposed, that: (a) they are in the same general alignment as the existing road; (b) they are not located in environmentally sensitive habitat area (ESHA); (c) they do not remove or encroach within the protected zone of native trees; and (d) they do not adversely impact visual resources.
5. For relocation pursuant to Section 13.4.11(A)(5), that the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and primarily safety.

C. Reporting De Minimis Waiver.

1. At the time the application is submitted for filing, the applicant must post, at a conspicuous place as close to the site as possible that is easily accessible by the public and approved by the city, notice, on a form approved by the city, that an application for a de minimis waiver has been submitted to the city. Such notice shall contain a general description of the nature of the proposed development.
2. The planning director shall issue a notice of determination on the application which shall be reported to the planning commission. The notice of determination shall be provided to all known interested parties, including the executive director of the coastal commission, at least ten (10) days prior to the waiver determination being reported to the planning commission. For development within the appealable jurisdiction of the California Commission, the planning director's decision may be appealed by an aggrieved person directly to the California Coastal Commission within ten (10) working days of issuance of the notice of determination only if the development is one of the four types of development listed in the definition of Appealable Coastal Development Permit.
3. If, after consideration of the waiver and any public objections to it, the planning commission requests that the waiver not be effective, then the applicant shall be advised that a Coastal development permit is required for the structures or improvements. Otherwise, the waiver is effective immediately after the planning commission meeting where the matter is heard.

D. Waiver Expiration.

A de minimis waiver shall expire and be of no further force and effect if the authorized structures or improvements are not commenced pursuant to a valid grading and/or building permit, as applicable, within five years of the effective date of the waiver. If expired, a coastal development permit or another waiver shall be required.

SECTION 6. Zoning Text Amendment No. 25-001, Amendments to the Malibu Municipal Code (MMC).

The City Council hereby amends Title 17 - Zoning in the MMC as follows:

A. Amend Section 17.02.060 related to definitions to include the following:

"Secondary development pad" means a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

"Primary development pad" means the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 17.40.040(A)(18)(a) and (g) and add subsections (i), (j), and (k) to read as follows:

18. Temporary Housing. Temporary housing structures as used herein means mobilehomes, trailers, recreational vehicles or other structures which are self-contained units which include sanitary facilities, and facilities for normal daily routines including cooking and sleeping. Temporary housing structures do not include any structure placed upon a permanent foundation, nor do they include tents, yurts, or similar fabric or textile installations. Temporary housing structures used as a residence during reconstruction or in anticipation of reconstruction of a residence destroyed due to natural disaster shall be permitted with a temporary housing permit approved by the Planning Director and shall comply with the following conditions:

a. No more than two temporary housing structures which together total no more than 1,000 square feet shall be permitted.

g. Upon expiration of the temporary housing permit, the property owner shall obtain verification from the city that all temporary housing structures have been removed

from the property. Failure to obtain this verification shall result in a fine of $1,000 per day until the verification is obtained.

i. The temporary housing structures shall be occupied only by the property owner(s) or tenant(s) living on the property at the date of the natural disaster, or their families. Should this requirement be violated, the temporary housing structures must be immediately removed, the property will no longer be eligible to place temporary housing on the property for a period of 5 years, and the owner shall be subject to a fine of $1,000 per day. Liens may also be imposed on the property by the City as a means of compliance.

j. The siting of temporary housing shall be supported by a limited geotechnical report prepared by appropriately licensed professionals which evaluates the location of the proposed temporary housing with respect to geologic and flood hazards that the specific location(s) may be exposed to during the proposed four-year use of the location. Specifically, the threat of post-fire debris flows and floods as described by the United States Geological Survey and identified by the Watershed Emergency Response Team Assessments. A finding is required that the specific location of the temporary housing is safe for its intended use for the duration of use. The report must be submitted to the City for review and accepted by the Building Official.

k. If the temporary housing is supported on anything other than wheels or a trailer which can be readily moved (i.e. a manufactured home), it shall comply with requirements for foundations as noted in Chapter 16, 18 and Appendix G – Flood proof Construction of the current California Building Code and requires a building permit from the City. Temporary housing supported on wheels shall be fastened to the ground.

C. Amend Section 17.44.090(A)(1), to read as follows:

1. The maximum square footage of an ADU shall be 1,000 square feet. The maximum square footage shall include interior and exterior walls, finished and unfinished basements, mezzanines, storage space, and any space with a height clearance (floor to ceiling height dimension) above six feet. The area of a garage (400 square feet maximum) provided as part of accessory dwelling unit and exterior decks or overhangs that are attached to the structure shall not be included in the 1,000 square foot limit.

D. Amend Section 17.45.150(B), to read as follows:

B. Prohibition. All properties within a disaster area are temporarily prohibited from obtaining a new or updated primary view determination unless: (1) the request was submitted prior to the date the natural disaster began as declared or proclaimed by the City, State or Federal government, or as determined by the Planning Director if no declaration or proclamation has been made; or (2) the primary view determination would not impose any limitation on replacement landscaping or replacement structures.

E. Amend Section 17.53.090(C)(1)(a),(b), (c), (e), and (f) and add subsections (h), (i), and (j); and amend Section 17.53.090(C)(2), to read as follows:

a. Palm trees and eucalyptus trees are prohibited.
b. All vegetation is prohibited between zero and five feet from a structure.
c. The following species are prohibited within 50 feet of structures: Pine (Pinus species), Cypress (Cupressus species), Cedar (Cedrus species), Ficus (Ficus species), and Tree of Heaven (Ailanthus altissima).

e. Existing eucalyptus trees are allowed between five feet and 50 feet of a structure if a qualified expert, as determined by the director, identifies the tree(s) as a monarch butterfly habitat.
f. The distances for trees and shrubs subject to (b) through (e) shall be measured from the dripline of the tree or shrub at its projected maturity to the outermost projection of the structure including eaves and overhangs. No tree canopy shall be within five feet of the outermost projection of the structure including eaves and overhangs at projected maturity. Smaller diameter tree branches less than two inches must be removed within five feet of the outermost projection of the structure including eaves and overhangs and within 10 feet above the roof.

h. Only efficiently-irrigated plants and trees as allowed by this chapter shall be allowed between five feet and 30 feet of a structure.
i. Irrigation shall be required and maintained on the site in all planting areas between five feet and 100 feet of a structure, except in geologic hazard areas in which irrigation may not be allowed. Any proposed irrigation shall be reviewed by the project geotechnical consultant and conform to existing surficial stability standards, not contribute to any geologic hazard, and not adversely affect offsite properties. The consultant shall include a statement regarding the impact of the proposed irrigation system in the required Section 111 statement. The city shall review analyses and findings provided by the project geotechnical consultant and determine whether irrigation is allowed or required in geologic hazard areas. All vegetation within 100 feet of a structure shall maintain sufficient moisture content and be supported by appropriately designed irrigation.
j. Plants listed in the City of Malibu 'Invasive Species List' are prohibited.

2. Mulch material proposed between zero and five feet from a structure must consist of nonflammable materials, such as gravel and decomposed granite. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Use of wood chips and shredded rubber is prohibited anywhere on the site. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between five feet and 30 feet from a structure. Non-continuous mulched areas shall be separated with non-flammable materials such as gravel, rocks, decomposed granite, or stone. The distance shall be measured from the outermost projection of the

structure including eaves and overhangs. The maximum application area of mulch located between five feet and 30 feet from a structure is 20 feet by 20 feet with a five-foot separation between application areas. Any mulch materials (excluding wood chips and shredded rubber), are allowed 30 feet or more from a structure with no limitation on application area. Organic mulch shall be maintained with at least a 3 inch depth but must not exceed 6 inches in depth.

F. Amend Section 17.60.020(C) and add subsection (C)(1), to read as follows:

C. Any structure, including any structure that was damaged or destroyed by a natural disaster, 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. Structures that were damaged or destroyed by a natural disaster may be permitted, at the discretion of the planning director through approval of a planning verification, to increase the square footage, height or bulk permitted by this title by 10 percent of the existing or previously existing square footage, height or bulk of the structure. Increased height or bulk on non-beachfront properties shall not exceed 18 feet, unless a site plan review is obtained, and increased square footage shall not exceed the limits of Section 17.40.040(A)(13). The application for the reconstruction must be initiated with the city within six years of the date of damage or destruction, and a building permit must be diligently pursued and obtained within eight years from the date of damage or destruction and not become expired. A request for an extension of time past the six-year or eight-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 six- or eight-year limit creates an undue hardship. Extensions for applications may not total more than three years for a maximum total of nine years from the date of the disaster. Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

1. Replacement structures on beachfront lots are allowed to meet the minimum increases necessary to meet Federal Emergency Management Agency (FEMA) requirements but shall, to the maximum extent feasible, protect neighboring ocean views. Replacement structures shall seek increases in square footage laterally before they are allowed to increase vertically as viewed by neighboring properties. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.

G. Delete Section 17.60.020(F).

H. Amend Section 17.62.030(A), to read as follows:

A. An administrative plan review shall be required for the following development projects, unless they fall under the provisions for a rebuild development permit as provided in Section 17.62.080. If the project meets the requirements of this title and is consistent with Chapter 17.40, the planning manager/ director shall issue a development permit.

I. Amend Section 17.62.040(A) and (A)(10); and add subsection (A)(13) and (C)(1), to read as follows:

A. The planning manager/director may approve a site plan review after consultation with all appropriate city staff and specialists including the building official, city engineer, city biologist, city geologist, city archeologist and city coastal engineer; and where substantial evidence supports the findings set forth in subsection D of this section for new construction or reconstruction of structures authorizing the following:

10. Sea walls, bulkheads, or any other shoreline protective devices, except for those that meet the requirements for a De Minimis Waiver listed in LIP Section 13.4.11 or rebuild development permit listed in Section 17.62.080 as required;

13. Non-beachfront development over 18 feet in height on a replacement structure where the previously existing structure was damaged or destroyed by a natural disaster and the replacement structure is not sited substantially in the same location on the affected property as the damaged or destroyed structure, so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration.

C. Notice of Application Filing. Within 10 calendar days from the receipt date of a complete application, the planning manager/director shall notify in writing of the filing of the application to property owners and residents of all property within a 500 foot radius of the proposed project, but in no event fewer than the owners and occupants of 10 developed properties. Notwithstanding the foregoing, for property in the RR-10 and RR-20 zones the notice radius shall be 1,000 feet. The purpose of the notice is to inform the surrounding property owners and residents of the filing of the application and provide an opportunity for comment on the application prior to the planning manager/director's decision. The notice shall describe the request, provide a map showing the specific location of the property, describe the review process and timeframes, and indicate how to contact the case planner assigned to the application.

1. For development over 18 feet in height where the replacement structure is not proposed to be sited in substantially the same location on the affected property as the damaged or destroyed structure, a notice of application shall be provided to all properties within a 1,000 foot radius of the development.

J. Add Section 17.62.080. Rebuild development permit, to read as follows:

§ 17.62.080. Rebuild development permit.

A. A rebuild development permit shall be required for the following development projects related to structures being replaced after being damaged or destroyed in a natural disaster. It shall be issued by planning manager/director upon demonstrating by a preponderance of the evidence that all requirements of the municipal code are met, as applicable.

1. Mechanized equipment or temporary shoring on the beach necessary to construct beachfront properties so long as construction activities do not enter the intertidal zone and in no case shall extend beyond the previously existing primary development pad.

2. An onsite wastewater treatment system (OWTS) that replaces or improves an OWTS serving a structure that that was damaged or destroyed by a natural disaster.

a. OWTS replacements on a sandy beach or coastal bluff shall be sited the most landward feasible as determined by appropriate city staff, shall not impact existing public accessways, and shall not extend seaward of the previously existing primary development pad.

b. OWTS replacements shall be located in the least environmentally impactful area.

3. New seawalls, as determined necessary by the planning director or building official to protect coastal resources, that protect an OWTS serving a structure that was damaged or destroyed by a natural disaster. New seawalls shall be sited only at the boundary of OWTS that it protects. New seawalls shall not extend into any existing public access easements or public access deed restrictions, excluding any such easements or deed restrictions on the seaward side of the OWTS it protects, and shall not expand further into previously approved public view corridors or further into open space deed restrictions.

4. Any new structure or improvement (including, but not limited to, foundation systems, utilities, driveways, water tanks, and other water storage devices) that is necessary or recommended to construct, install, or use the replacement structure described in subsection (A) in compliance with all applicable state and local laws and regulations.

5. Minor improvements to existing driveways or access roads that are required by the fire department after a natural disaster, such as minor changes to the width or grade of driveways or access roads. Accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement shall also be allowed, including new cuts on slopes steeper than 3:1 but shall not exceed 1:1 or steeper. Retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet. Improvements shall not extend into a public access easement or public access deed restriction and shall not expand further into a previously approved public view corridor (except for on-grade driveways), or further into open space deed restrictions. Access improvements that

do not meet the requirements of this subsection may be processed as an administrative coastal development permit or as a regular coastal development permit as listed in the Malibu LIP.

B. Application Submittal. An application shall be filed with the planning division and may be part of the planning verification application for replacement structures that were damaged or destroyed by a natural disaster. Applications shall be complete only after all required information is submitted; review by all appropriate city staff and specialists including review by the building official, city engineer, city biologist, city geologist, city archeologist, city coastal engineer and city environmental health specialist, as deemed necessary, is complete; and the application fee determined by resolution of the city council is paid.

C. Action. The planning manager/director shall approve, deny, or approve with conditions a rebuild development permit within 15 calendar days from the date of a complete application. Complete application determinations shall be determined solely by the City. The City may include incomplete/or nonconforming plans as a basis for an incomplete application in addition to standard application requirements. No decision shall be subject to invalidation on the grounds that it is made after the deadline. The applicant shall be informed of the action by letter and/or approved plans. Action of the planning manager/director shall be final and not appealable.

D. Expiration. An approved rebuild development permit shall expire three years from the date of final approval, unless a time extension has been granted, or work has commenced and substantial progress made (as determined by the building official) and the work is continuing under a valid building permit. If no building permit is required, the rebuild development permit approval shall expire after three years from the date of final planning approval if construction is not completed. If a rebuild development permit is included within a planning verification application pursuant to Section 17.60.020(C), then the rebuild development permit shall expire when the planning verification expires.

E. Extension. The planning manager/director may grant up to four one-year extensions of the expiration of a rebuild development permit approval, if the planning manager/director finds, Based on substantial evidence, that due to unusual circumstances, strict compliance with the expiration date of the permit would create an undue hardship for the applicant.

SECTION 7. Effective Date.

The LCPA sections referenced in Section 5 of this Ordinance shall become effective upon certification by the California Coastal Commission. The ZTA sections referenced in Section 6 of this ordinance shall become effective 30 days following adoption by the City Council.

SECTION 8. Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality or the remaining portions of this Ordinance; it being hereby expressly declared and this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phases be declared invalid or unconstitutional.

SECTION 9. Certification.

The City Clerk shall certify to the passage and adoption of this Ordinance.

PASSED, APPROVED, and ADOPTED this 12th day of March 2025.

MARIANNE RIGGINS, Mayor Pro-Tem

ATTEST:

CHRISTINA MUNOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal) 3/12/2025

APPROVED AS TO FORM:

KELLAN MARTZ, Assistant City Attorney
for TREVOR RUSIN, Interim City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 524 was passed and adopted at the Adjourned Regular City Council meeting of March 12, 2025, by the following vote:

AYES:	3	Councilmembers:	Conrad, Uhring, Riggins
NOES:	0		
ABSTAIN:	1	Councilmembers:	Silverstein
ABSENT:	1	Councilmembers:	Stewart

CHRISTINA MUÑOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal)

Commission Agenda Report

Planning Commission Meeting
11-16-26
Item 3.B.5.

To: Chair Kamins and Members of the Planning Commission

Prepared by: Rebecca Evans, MS, Senior Management Analyst

Reviewed by: Tyler Eaton, AICP, Assistant Community Development Director

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director

Date prepared: November 5, 2026 Meeting date: November 16, 2026

Subject: Extension of Planning Verification-Woolsey Fire No. 24-016 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire

Location: 7002 Birdview Avenue
APN: 4468-006-008
Owners: Leah Tuvia, Shlomo Tuvia and Maya Tuvia

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 26-71 (Attachment 1) granting an eighteen-month extension to obtain a building permit for Planning Verification-Woolsey Fire (PVWF) No. 24-016 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, One-Acre zoning district at 7002 Birdview Avenue (Leah Tuvia, Shlomo Tuvia and Maya Tuvia).

DISCUSSION: On November 8, 2018, the Woolsey Fire destroyed 465 homes in the City of Malibu. On March 12, 2025, the City Council adopted Ordinance No. 524 (Attachment 3), which extended the ability to initiate the planning application process and obtain a building permit to rebuild a structure that was damaged or destroyed by a disaster. Section 17.60.020(C) of the Malibu Municipal Code was amended to read as follows:

> Any structure, including any structure that was damaged or destroyed by a natural disaster, 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. Structures that were damaged or destroyed by a natural disaster may be permitted, at the discretion of the planning director through approval of a planning verification, to increase the square footage, height or bulk permitted by this title by 10 percent of the existing or previously existing square footage, height or bulk of the structure. Increased height or bulk on non-beachfront properties shall not exceed 18 feet, unless a site plan review is obtained, and increased square footage shall not exceed the limits of Section 17.40.040(A)(13). The application for the reconstruction must be initiated with the city within six years of the date of damage or destruction, and a building permit must be diligently pursued and obtained within eight years from the date of damage or destruction and not become expired. A request for an extension of time past the six-year or eight-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 six- or eight-year limit creates an undue hardship. Extensions for applications may not total more than three years for a maximum total of nine years from the date of the disaster. Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

Absent a time extension, a building permit would need to be obtained for Planning Verification-Woolsey Fire No. 24-016 no later than November 9, 2026. On October 26, 2026, applicant Vitus Matare and Associates, on behalf of owners Leah, Tuvia and Maya Tuvia, submitted a request for an eighteen-month time extension to the deadline to obtain a building permit for a nonconforming in-kind disaster rebuild of a 3,427 square foot (sf.) single-family residence, 490 sf. attached garage and 885 sf. deck area.

The extension request letter states the Woolsey Fire rebuild was delayed by factors outside the owner's control. The current owner met with City staff prior to purchasing the parcel to confirm the content of the previously approved PVWF No. 19-163 plans. The applicant developed a complete set of matching construction documents and completed building plan check before being informed that the Planning Division was rescinding PVWF No. 19-163 due to a City clerical error and significant design changes would be required. The former case planner left City employment a number of years ago and staff have been unable to confirm why PVWF No. 19-163 was closed based on the lack of documentation on file. PVWF No. 24-016 was approved on October 1, 2024 after eleven project redesigns. The owners absorbed significant additional costs to develop new architectural, structural and civil plans. The project was further delayed by the applicant's loss of all digital files in their office during the Palisades Fire and resulting pause in work during recovery. All reports and plans have been submitted to building plan check and the owners intend to proceed with development after the rainy season grading moratorium and once

building permits are issued. The owner's basis for due cause is included as Attachment 2.

CONCLUSION: Should the Planning Commission approve the time extension request, the owner would have until May 8, 2028 to obtain a building permit for PVWF No. 24-016.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-71
2. Time Extension Request
3. City Council Ordinance No. 524

All referenced City Council and Planning Commission records are available for review at http://www.malibucity.org/onbase.

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-71

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING AN EIGHTEEN-MONTH EXTENSION TO OBTAIN A BUILDING PERMIT FOR PLANNING VERIFICATION-WOOLSEY FIRE NO. 24-016 TO REBUILD NONCONFORMING USES OR STRUCTURES DAMAGED OR DESTROYED IN THE WOOLSEY FIRE FOR THE PROPERTY LOCATED IN THE RURAL RESIDENTIAL, ONE-ACRE ZONING DISTRICT AT 7002 BIRDVIEW AVENUE (LEAH, SHLOMO AND MAYA TUVIA)

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-Woolsey Fire (PVWF), four years from the date of damage or destruction to obtain building permits, and extensions to these deadlines could not total more than five years.

C. On July 21, 2019, Planning Verification-Woolsey Fire (PVWF) No. 19-163 was approved.

D. On December 14, 2020, approximately 50 percent of property owners of destroyed homes had submitted a PVWF to rebuild homes. Due to 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.

E. On January 8, 2024, City Council adopted Ordinance No. 513, which extended the ability to initiate a PVWF within six years of the date of damage or destruction to November 8, 2024, with the ability for the Planning Commission to grant extensions when strict compliance created an undue hardship. Extensions could not total more than nine years. In addition, the deadline to obtain building permits was extended to November 8, 2026.

F. On October 1, 2024, PVWF No. 19-163 was rescinded.

G. On October 1, 2024, PVWF No. 24-016 was approved.

H. On March 12, 2025 following the 2025 Palisades Fire, City Council adopted Ordinance No. 524, which included an amendment to Malibu Municipal Code Section 17.60.020(C) to allow the Planning Commission to consider requests for an extension of time to obtain a building permit for nonconforming uses or structures damaged or destroyed by a natural disaster for a maximum total of eleven years from the date of the disaster (November 8, 2029 for the Woolsey Fire).

I. On October 26, 2026, applicant Vitus Matare & Associates, Inc., on behalf of owners Leah, Shlomo and Maya Tuvia, submitted an application requesting an eighteen-month extension to the November 8, 2026 deadline to obtain a building permit for an in-kind rebuild of nonconforming uses or structures. The Woolsey Fire destroyed the single-family residence, attached garage and decks. PVWF No. 24-016 was approved on October 1, 2024 after eleven project redesigns. The owners absorbed significant additional costs to develop new architectural, structural and civil plans. The project was further delayed by the applicant's loss of all digital files in their office during the Palisades Fire and resulting pause in work during recovery. All reports and plans have been submitted to building plan check and the owners intend to proceed with development after the rainy season grading moratorium and once building permits are issued.

J. On November 16, 2026, the Planning Commission held a duly noticed public hearing on the request, reviewed and considered the agenda report, reviewed and considered written correspondence, public testimony, and other information in the record.

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 obtain a building permit for nonconforming structures and uses damaged 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.

Based on substantial evidence in the record, the Planning Commission finds that, due to unusual circumstances, strict compliance with the eight-year time limit imposed by Malibu Municipal Code Section 17.60.020(C) would create an undue hardship. 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 obtain a building permit for PVWF No. 24-016. The Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby grants the property owner an eighteen-month time extension to obtain a building permit for PVWF No. 24-016 to rebuild non-conforming uses or structures destroyed or damaged in the Woolsey Fire. Said building permit shall be obtained by May 8, 2028.

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

PASSED, APPROVED AND ADOPTED this 16th day of November, 2026.

MARNI KAMINS, 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, in person at City Hall, or by calling (310) 456-2489, ext. 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-71 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 16th day of November, 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

REBECCA EVANS, Recording Secretary

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · www.malibucity.org

Received
10/26/26
Planning Div.

WOOLSEY FIRE
Non-Conforming In-kind Disaster Rebuild
Building Permit Time Extension Request

The City of Malibu will not accept incomplete applications.

Staff use only

EXTWF No. 26-018

Woolsey Fire Extension No. _____

To submit a Woolsey Fire building permit time extension request:

To request a time extension to obtain building permits for a previously approved Planning Verification for a non-conforming in-kind rebuild, the request must be timely received by the Planning Division in person or via email to planningadmin@malibucity.org. The deadline to submit a Woolsey Fire building permit time extension request is **November 8, 2026**. Per California Code of Civil Procedure Section 12(a), because this falls on a weekend, the City will accept requests received and paid on the next business day, Monday, November 9, 2026, by 5:30 PM.

Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster, with maximum extension to **NOVEMBER 8, 2029**. For questions about this form, please email revans@malibucity.org.

Site Address: 7002 Birdview Ave, Malibu

Planning Verification-Woolsey Fire No: 24-016 **(if applicable)**

ALL of the following must be timely filed to perfect a time extension request.

1. **Time Extension Checklist** _____

   This form with property owner's signature

2. **Time Extension to Obtain Building Permits Request Letter** _____

   A letter setting forth unusual circumstances that render strict compliance to the deadline an undue hardship. Property Owners are encouraged to provide evidence of such hardship. This letter and evidence will be provided to the Planning Commission. I am requesting an extension for 1.5 year(s).

3. **Time Extension Fee** (Director: $723) (Planning Commission: $2,600) or currently adopted fee _____

ATTACHMENT 2

4. **Property Owner's /Occupant's Information**

Name: Maya Tuvia

Property Owner's mailing Address: [redacted]

Property Owner's telephone:

Property Owner's email address:

5. **Proof of Ownership / Authorized Representatives**

If grant deed or title report is held by an LLC or Trust, submit Operating Agreement for LLC or Trust Documents for Trusts to identify authorized representatives

6. **Applicant's Information**

If an applicant is submitting this form on behalf of the property owner, the Authorization to Submit a Project must be filled out and returned with this form.

Name: Vitus Matare

Applicant's mailing address: P.O. Box 1204

Malibu, CA. 90265

Applicant's telephone: 310-456-0606

Applicant's email address: vitus.matare@gmail.com

7. **Acknowledgements**

MMC Section 17.60.020(A) 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."

Pursuant to MMC Section 17.60.020(C), any structure described in subsection Section 17.60.020 (A), 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 six years of the date of damage or destruction, and a building permit is diligently pursued and obtained within eight years from the date of damage or destruction and has not expired. A request for an extension of time to the six-year or eight-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 six- or eight-year limit creates an undue hardship. **Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster**. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

I hereby certify that I am presently the legal owner of the above-described property and have read MMC Sections 17.60.020(A) and (C).

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
	Maya Tuvia	10-13-2026

I hereby certify that the time extension request submittal contains all of the above items. I understand that if any of the items are missing or subsequently deficient, the time extension shall be deemed to have been withdrawn and the request is invalid. I acknowledge that the City strongly encourages me to immediately calendar the expiration date of this permit, that it is my responsibility to monitor its status and that the City has no ability to provide relief when a permit has expired.

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
	Maya Tuvia	10-13-2026

8. Indemnification Clause

The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
	Maya Tuvia	10-13-2026

Note: November 8, 2024 was the deadline to submit a time extension request to submit a <u>Planning Verification</u> for non-conforming structures damaged or destroyed in the Woolsey Fire. No request to extend the deadline to submit a Planning Verification can be accepted at this time.

AUTHORIZATION TO SUBMIT A PROJECT

Vitus Matare (print name) is authorized by me/us as the owner(s) of the property located at 7002 Birdview Ave, Malibu 90265, to submit an application to and obtain permits from the City of Malibu Planning Division and to act on my/our behalf of the process that applicant. This authorization will be valid until revoked by me/us in writing.

This form must be notarized if not witnessed by City of Malibu staff.

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
[signature]	Maya Tuvia	10-13-2026
PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE

Witnessed by:

Dated: _____

_____
Witness Signature (Staff)

_____
Print Name

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of California

County of Los Angeles

On 10-13-2026 before me, Judy Shannon, Notary Public
(Insert Name of Notary Public and Title)

Personally appeared Maya Tuvig
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument that person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the forgoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

JUDY SHANNON
COMM. # 2531088
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
COMM. EXPIRES SEPT. 23, 2029

VITUS MATARÉ & ASSOCIATES, INC.
P.O. Box 1204, Malibu, California 90265 ph 310.317.0700
info@vitusmatare.com

October 23, 2026

Community Development Manager Tyler Eaton
City of Malibu Planning Dept
23825 Stuart Ranch Road, Malibu CA 90265

Re: 7002 Birdview Ave (APN 4468-006-008)
PVWF 24-016 (Previously PVWF 19-163)

Dear Tyler,

We are requesting a one and a half year extension of PVWF 24-016 for reconstruction of the home at 7002 Birdview Avenue destroyed in the Woolsey Fire. Construction documents have been reviewed by all City and County agencies and final corrections are being prepared at this time.

The Woolsey Fire rebuild at 7002 Birdview Avenue had completed building plan check with True North and all City of Malibu agencies. Building permits were ready-to-issue pending “Red Stamp” review by Malibu Planning. We were informed that PVWF 19-163 would be rescinded by Malibu Planning due to a clerical error on the part of Malibu Planning in approving the original design. PVWF 19-163 was approved on July 31, 2019. This notice of recession came at the time that we had collected our “Occupancy” approval from the Fire Prevention Bureau and we were ready to move on to building permit issuance.

Prior to purchasing the property the current owner and I met with Malibu Planning staff to review the approved set of PV plans (PVWF 19-163) and make sure that they were accurate and genuine. Our client was assured that the approved design was ready for building plan check and they proceeded to close escrow and engage our services to complete a set of matching construction documents. Upon completion of building plan check we were informed by Malibu Planning that our PVWF set had been approved in error and that we would need to break the bi-level design into 5 floor elevations as previously built. We were forced to begin with an entirely new application with Malibu Planning.

This has been a major setback and we were forced into making a series of very unfortunate revisions over the course of 11 redesigns presented to Malibu Planning. Finally we did receive approval for a 5 level design that is the subject of PVWF 24-016. Starting over with all-new architectural, structural, and civil plans represented an extreme financial burden for our client. Ultimately the project was held up yet again by the loss of all digital files in our office during the Palisades Fire on January 7, 2025. Additionally all our reports required yet another update due to the unavoidable pause in work on this application.

We have been steadily following up and responding promptly to corrections from all agencies. All reports and plans have been resubmitted and plan check is processing rapidly.

No further revisions to the house design are proposed by our team. Our clients intend to move forward with construction immediately once building permits are issued. We respectfully request an extension of PVWF- 24-016 for one and a half additional years.

Please advise if additional information might be helpful.

Sincerely -



Vitus Matare

ORDINANCE NO. 524

AN ORDINANCE OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT 25-001, AN AMENDMENT TO THE LOCAL COASTAL PROGRAM AND ZONING TEXT AMENDMENT NO. 25-001, AN AMENDMENT TO TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE UPDATING REGULATIONS TO FACILITATE THE REBUILDING OF STRUCTURES DAMAGED OR DESTROYED BY NATURAL DISASTERS, INCLUDING BUT NOT LIMITED TO, THE 2025 PALISADES FIRE, 2024 FRANKLIN FIRE, AND 2024 BROAD FIRE TO PROVIDE RELIEF FOR THOSE AFFECTED, AND FINDING THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Recitals.

A. On November 6, 2024, the Broad Fire began and destroyed structures on at least 4 properties in Malibu leaving residents with an urgent need to rebuild.

B. On December 9, 2024, the Franklin Fire destroyed structures on at least 38 properties in Malibu leaving residents with an urgent need to rebuild.

C. On January 7, 2025, the Palisades Fire destroyed structures on over 700 properties in Malibu leaving residents with an urgent need to rebuild. The Governor of California has declared the event a State of Emergency and the President of the United States has declared the event a Federal Emergency.

D. On January 27, 2025, the City Council adopted Resolution No. 25-06 to: 1) initiate a Local Coastal Program (LCP) amendment and zoning text amendment to consider changes to the Malibu LCP and Title 17 (Zoning) of the Malibu Municipal Code (MMC) to facilitate the rebuilding of structures damaged or destroyed by the 2025 Palisades Fire, 2024 Franklin Fire, and 2024 Broad Fire and provide relief for those affected by the fires; 2) Bypass the Zoning Ordinance Revisions and Code Enforcement Subcommittee and directed the Planning Commission to schedule a public hearing regarding the same.

E. On January 30, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

F. On February 6, 2025, a Notice of Planning Commission Public Hearing was republished in a newspaper of general circulation within the City of Malibu as a courtesy.

G. On February 13, 2025, Governor Newsom issued Executive Order N-20-25, which suspended requirements of the California Environmental Quality Act and California Coastal Act for Palisades Fire rebuilds and related issues.

H. On February 13, 2025, a Notice of Availability of Local Coastal Program Amendment (LCPA) Documents and a Notice of City Council Public Hearings for both the March 4, 2025 and March 10, 2025 meetings were published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

I. On February 20, 2025, the Planning Commission held a duly noticed public hearing on the proposed rebuild amendments on LCPA 25-001 and ZTA No.25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record.

J. On March 4, 2025, the City Council held a meeting which included a public workshop on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council completed the public workshop and adjourned the public hearing to March 5, 2025.

K. On March 5, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The meeting was adjourned to March 6, 2025.

L. On March 6, 2025, the City Council continued the public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on first reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001 as recommended by staff with the additional changes presented at the March 6, 2025 meeting. The City Council adopted Urgency Ordinance No. 524U for the Malibu Municipal Code amendments to go into effect immediately.

M. On March 10, 2025, the City Council continued the public hearing for the second reading to March 12, 2025.

N. On March 12, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on second reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001.

SECTION 2. Environmental Review.

Pursuant to Public Resources Code Section 21080.9, California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. LCP Local Implementation Plan (LIP) Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and the City's Zoning Ordinance. In order to prevent

inconsistency between the LCP and the City's Zoning Ordinance, if the LCPA is approved, the City must also approve the corollary amendment to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCPA and because they are entirely dependent on, related to, and duplicative of the exempt activity, they are subject to the same CEQA exemption.

Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Planning Commission determined that there is no possibility the amendment will have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies. The amendments to the MMC that are not corollary to the LCP can be seen not to have a significant effect on the environment as they merely create permit and fine requirements and allow structures that existed previously to be rebuilt in the same location with substantially the same purpose and capacity as the structure that would be replaced, while also further protecting coastal resources and hazard protections.

SECTION 3. Local Coastal Program Findings.

Based on evidence contained within the record, including the agenda reports for and the hearings on February 20 and March 4, 2025, the City Council hereby finds that the proposed amendment meets the requirements of, and is in conformance with, the policies and requirements of Chapter 3 of the California Coastal Act.

A. The amendments to the LCP meet the requirements of, and are in conformance with the goals, objectives and purposes of the LCP. Updated development standards specific to rebuild projects that were destroyed in natural disaster and relief for those affected, ensure that development standards are in place to facilitate people getting their properties back to where they were before the natural disaster while also incorporating measures that will further enhance and protect coastal resources. Development standards were carefully crafted to meet the goals of the of the LCP.

B. As a part of the LIP, the updated development standards specific to rebuild projects that were destroyed in natural disaster and providing relief for those affected ensure that future development projects and land uses within specific zoning districts conform to applicable LCP policies, goals, and provisions, while taking into consideration the protection and enhancement of visual resources, public access, and recreation opportunities. Incorporating specific requirements for rebuild structures to avoid coastal accessways, be sited the most landward feasible and the installation of structures that will protect the coastal resources from contamination greater than current.

SECTION 4. Zoning Text Amendment Findings.

Pursuant to Malibu Municipal Code Section 17.74.040, the City Council hereby makes the following findings:

A. The subject zoning text amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The proposed amendment serves to enhance the Malibu General Plan Mission Statement, protect public safety and preserve Malibu's natural and cultural resources.

B. The City Council held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan, Malibu Municipal Code and the Malibu Local Coastal Program, and finds that the zoning text amendment is consistent and recommends approval.

SECTION 5. Local Coastal Program Amendment No. 25-001, Amendments to the Local Implementation Plan (LIP).

The City Council hereby amends the LIP as follows:

A. Amend Section 2.1 related to LIP definitions to include the following:

SECONDARY DEVELOPMENT PAD - a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

PRIMARY DEVELOPMENT PAD - the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 3.6(M)(1) related to residential development standards for temporary homes, to read as follows:

1. No more than two temporary housing structures which together total no more than one thousand (1,000) square feet shall be permitted.

C. Amend LIP Section 13.4.6(A) and (B), and add Section 13.4.6(A)(4) related to coastal development permit exemptions, to read as follows:

A. The replacement of any structure, other than a public works facility, destroyed by a disaster provided that the replacement structure meets all the of the following criteria:

1. It is for the same use as the destroyed structure;
2. It does not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent, and

3. It is sited in substantially the same location on the affected property as the destroyed structure.

As used in this section, "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

4. Mechanized equipment or temporary shoring on the beach necessary to construct the replacement structure is allowed under this exemption for beachfront properties only if there are no feasible alternatives and construction activities do not enter the intertidal zone or extend beyond the previously existing primary development pad and appropriate Best Management Practices are used.

B. An onsite wastewater treatment system (OWTS) that was damaged or destroyed by a natural disaster may be replaced and improved provided that the replacement OWTS is located within the existing primary development pad and is the minimum standard size necessary to meet the building code for the existing or replacement structure it serves. If the new OWTS exceeds the minimum standard size or is located outside the primary development pad, then a De Minimis Waiver or OWTS Coastal Development Permit shall be required as applicable by Sections 13.4.11 and 13.29 respectively. For OWTS replacements on or adjacent to a sandy beach or coastal bluff, the OWTS shall be sited in the most landward location feasible and may not extend further seaward than the existing and/or previously existing seawall, whichever is more landward.

D. Amend LIP Section 13.4.11(A) and (A)(1) and (2), and add subsections (3), (4), (5), and (6); Amend 13.4.11(B)(1),(2), (3), and (5); Amend 13.4.11(C)(2) and(3); and amend 13.4.11(D), related to general requirements for de minimis waiver, to read as follows:

13.4.11 General Requirements for De Minimis Waiver

A. General Requirements for De Minimis Waiver.

The requirement for a coastal development permit may be waived through a De Minimis Coastal Development Permit Waiver issued by the planning director for the items listed below where the improvements are not otherwise exempt pursuant to Section 13.4, provided all the requirements of subsections B and C are met. The planning director's decision on whether to issue a de minimis waiver is not locally appealable; however if the development is within the appealable jurisdiction of the California Coastal Commission, the decision of the planning director is appealable to the Coastal Commission as described below in subsection (C).

1. Improvements to an onsite wastewater treatment system (OWTS) serving a structure that replaces one that was damaged or destroyed as a result of a natural disaster, where the improvements involve installing a new system or upgrading an

existing system to an advanced system on the same lot and does not meet the exemption criteria of Section 13.4.6(B).

2. Minor improvements to existing driveways or access roads that are required by the fire department after a natural disaster, such as minor changes to the width or grade of driveways or access roads. This includes accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement, including new cuts on slopes steeper than 3:1 but less than 1:1, subject to geotechnical feasibility review. Retaining walls shall not exceed six (6) feet in height. New retaining walls that replace an existing wall being removed as a result of the driveway widening are allowed to be replaced to the same height of previous wall and may increase in height by a maximum of three (3) additional feet but shall not have a total height in excess of nine (9) feet. Access improvements that do not meet the findings for a waiver may be processed as an administrative coastal development permit (ACDP) under Section 13.13.1(A) or as a regular coastal development permit.
3. Replacement seawalls that exceed ten (10) percent in height. The replacement seawall shall be sited in the same footprint as the previous seawall and shall not expand further seaward nor shall it extend further into an existing public access easement, deed restriction or view corridor.
4. Increases in the previous finished floor elevation for structures that replace one that was damaged or destroyed as result of a natural disaster, where the previous finished floor elevation must be raised to a higher elevation to meet Federal Emergency Management Agency (FEMA) flood zone requirements as determined by the City's floodplain administrator. Such increase shall not exceed the increase in elevation to the finished floor required to meet the minimum FEMA flood zone requirements. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.
5. Replacement structures that would otherwise be exempt from the requirement to obtain a coastal development permit pursuant to Section 13.4.6(A) but are proposed to be sited not in substantially the same location where the damaged or destroyed structure was located so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration. This waiver may include retaining walls and grading necessary for the construction of the relocated structure, but cuts may not be made into slopes steeper than 1:1 and retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet.
6. Water tanks and other water storage devices necessary to construct, install, or use a replacement structure that was damaged or destroyed by a natural disaster and as required or recommended by applicable federal, state and local laws and regulations. New shoreline protection devices are not included under this waiver.

B. Findings for and Reporting of De Minimis Waivers.

All decisions on de minimis waivers shall be accompanied by written findings:

1. That the structures or improvements have no potential for adverse effects, either individually or cumulatively, on coastal resources or public access to the shoreline or along the coast.
2. That the structures or improvements are consistent with the certified Malibu Local Coastal Program, including the resource protection policies, as applicable.
3. If an OWTS is to be relocated on the lot, that the director, in consultation with the environmental health administrator, has determined the relocation is necessary to better protect coastal resources and if on a beachfront lot, is no further seaward than the existing OWTS or no further seaward than the previously existing seawall, whichever is further landward.
4. If driveway/road improvements are proposed, that: (a) they are in the same general alignment as the existing road; (b) they are not located in environmentally sensitive habitat area (ESHA); (c) they do not remove or encroach within the protected zone of native trees; and (d) they do not adversely impact visual resources.
5. For relocation pursuant to Section 13.4.11(A)(5), that the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and primarily safety.

C. Reporting De Minimis Waiver.

1. At the time the application is submitted for filing, the applicant must post, at a conspicuous place as close to the site as possible that is easily accessible by the public and approved by the city, notice, on a form approved by the city, that an application for a de minimis waiver has been submitted to the city. Such notice shall contain a general description of the nature of the proposed development.
2. The planning director shall issue a notice of determination on the application which shall be reported to the planning commission. The notice of determination shall be provided to all known interested parties, including the executive director of the coastal commission, at least ten (10) days prior to the waiver determination being reported to the planning commission. For development within the appealable jurisdiction of the California Commission, the planning director's decision may be appealed by an aggrieved person directly to the California Coastal Commission within ten (10) working days of issuance of the notice of determination only if the development is one of the four types of development listed in the definition of Appealable Coastal Development Permit.
3. If, after consideration of the waiver and any public objections to it, the planning commission requests that the waiver not be effective, then the applicant shall be advised that a Coastal development permit is required for the structures or improvements. Otherwise, the waiver is effective immediately after the planning commission meeting where the matter is heard.

D. Waiver Expiration.

A de minimis waiver shall expire and be of no further force and effect if the authorized structures or improvements are not commenced pursuant to a valid grading and/or building permit, as applicable, within five years of the effective date of the waiver. If expired, a coastal development permit or another waiver shall be required.

SECTION 6. Zoning Text Amendment No. 25-001, Amendments to the Malibu Municipal Code (MMC).

The City Council hereby amends Title 17 - Zoning in the MMC as follows:

A. Amend Section 17.02.060 related to definitions to include the following:

"Secondary development pad" means a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

"Primary development pad" means the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 17.40.040(A)(18)(a) and (g) and add subsections (i), (j), and (k) to read as follows:

18. Temporary Housing. Temporary housing structures as used herein means mobilehomes, trailers, recreational vehicles or other structures which are self-contained units which include sanitary facilities, and facilities for normal daily routines including cooking and sleeping. Temporary housing structures do not include any structure placed upon a permanent foundation, nor do they include tents, yurts, or similar fabric or textile installations. Temporary housing structures used as a residence during reconstruction or in anticipation of reconstruction of a residence destroyed due to natural disaster shall be permitted with a temporary housing permit approved by the Planning Director and shall comply with the following conditions:

a. No more than two temporary housing structures which together total no more than 1,000 square feet shall be permitted.

g. Upon expiration of the temporary housing permit, the property owner shall obtain verification from the city that all temporary housing structures have been removed

from the property. Failure to obtain this verification shall result in a fine of $1,000 per day until the verification is obtained.

i. The temporary housing structures shall be occupied only by the property owner(s) or tenant(s) living on the property at the date of the natural disaster, or their families. Should this requirement be violated, the temporary housing structures must be immediately removed, the property will no longer be eligible to place temporary housing on the property for a period of 5 years, and the owner shall be subject to a fine of $1,000 per day. Liens may also be imposed on the property by the City as a means of compliance.

j. The siting of temporary housing shall be supported by a limited geotechnical report prepared by appropriately licensed professionals which evaluates the location of the proposed temporary housing with respect to geologic and flood hazards that the specific location(s) may be exposed to during the proposed four-year use of the location. Specifically, the threat of post-fire debris flows and floods as described by the United States Geological Survey and identified by the Watershed Emergency Response Team Assessments. A finding is required that the specific location of the temporary housing is safe for its intended use for the duration of use. The report must be submitted to the City for review and accepted by the Building Official.

k. If the temporary housing is supported on anything other than wheels or a trailer which can be readily moved (i.e. a manufactured home), it shall comply with requirements for foundations as noted in Chapter 16, 18 and Appendix G – Flood proof Construction of the current California Building Code and requires a building permit from the City. Temporary housing supported on wheels shall be fastened to the ground.

C. Amend Section 17.44.090(A)(1), to read as follows:

1. The maximum square footage of an ADU shall be 1,000 square feet. The maximum square footage shall include interior and exterior walls, finished and unfinished basements, mezzanines, storage space, and any space with a height clearance (floor to ceiling height dimension) above six feet. The area of a garage (400 square feet maximum) provided as part of accessory dwelling unit and exterior decks or overhangs that are attached to the structure shall not be included in the 1,000 square foot limit.

D. Amend Section 17.45.150(B), to read as follows:

B. Prohibition. All properties within a disaster area are temporarily prohibited from obtaining a new or updated primary view determination unless: (1) the request was submitted prior to the date the natural disaster began as declared or proclaimed by the City, State or Federal government, or as determined by the Planning Director if no declaration or proclamation has been made; or (2) the primary view determination would not impose any limitation on replacement landscaping or replacement structures.

E. Amend Section 17.53.090(C)(1)(a),(b), (c), (e), and (f) and add subsections (h), (i), and (j); and amend Section 17.53.090(C)(2), to read as follows:

a. Palm trees and eucalyptus trees are prohibited.
b. All vegetation is prohibited between zero and five feet from a structure.
c. The following species are prohibited within 50 feet of structures: Pine (Pinus species), Cypress (Cupressus species), Cedar (Cedrus species), Ficus (Ficus species), and Tree of Heaven (Ailanthus altissima).

e. Existing eucalyptus trees are allowed between five feet and 50 feet of a structure if a qualified expert, as determined by the director, identifies the tree(s) as a monarch butterfly habitat.
f. The distances for trees and shrubs subject to (b) through (e) shall be measured from the dripline of the tree or shrub at its projected maturity to the outermost projection of the structure including eaves and overhangs. No tree canopy shall be within five feet of the outermost projection of the structure including eaves and overhangs at projected maturity. Smaller diameter tree branches less than two inches must be removed within five feet of the outermost projection of the structure including eaves and overhangs and within 10 feet above the roof.

h. Only efficiently-irrigated plants and trees as allowed by this chapter shall be allowed between five feet and 30 feet of a structure.
i. Irrigation shall be required and maintained on the site in all planting areas between five feet and 100 feet of a structure, except in geologic hazard areas in which irrigation may not be allowed. Any proposed irrigation shall be reviewed by the project geotechnical consultant and conform to existing surficial stability standards, not contribute to any geologic hazard, and not adversely affect offsite properties. The consultant shall include a statement regarding the impact of the proposed irrigation system in the required Section 111 statement. The city shall review analyses and findings provided by the project geotechnical consultant and determine whether irrigation is allowed or required in geologic hazard areas. All vegetation within 100 feet of a structure shall maintain sufficient moisture content and be supported by appropriately designed irrigation.
j. Plants listed in the City of Malibu 'Invasive Species List' are prohibited.

2. Mulch material proposed between zero and five feet from a structure must consist of nonflammable materials, such as gravel and decomposed granite. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Use of wood chips and shredded rubber is prohibited anywhere on the site. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between five feet and 30 feet from a structure. Non-continuous mulched areas shall be separated with non-flammable materials such as gravel, rocks, decomposed granite, or stone. The distance shall be measured from the outermost projection of the

structure including eaves and overhangs. The maximum application area of mulch located between five feet and 30 feet from a structure is 20 feet by 20 feet with a five-foot separation between application areas. Any mulch materials (excluding wood chips and shredded rubber), are allowed 30 feet or more from a structure with no limitation on application area. Organic mulch shall be maintained with at least a 3 inch depth but must not exceed 6 inches in depth.

F. Amend Section 17.60.020(C) and add subsection (C)(1), to read as follows:

C. Any structure, including any structure that was damaged or destroyed by a natural disaster, 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. Structures that were damaged or destroyed by a natural disaster may be permitted, at the discretion of the planning director through approval of a planning verification, to increase the square footage, height or bulk permitted by this title by 10 percent of the existing or previously existing square footage, height or bulk of the structure. Increased height or bulk on non-beachfront properties shall not exceed 18 feet, unless a site plan review is obtained, and increased square footage shall not exceed the limits of Section 17.40.040(A)(13). The application for the reconstruction must be initiated with the city within six years of the date of damage or destruction, and a building permit must be diligently pursued and obtained within eight years from the date of damage or destruction and not become expired. A request for an extension of time past the six-year or eight-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 six- or eight-year limit creates an undue hardship. Extensions for applications may not total more than three years for a maximum total of nine years from the date of the disaster. Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

1. Replacement structures on beachfront lots are allowed to meet the minimum increases necessary to meet Federal Emergency Management Agency (FEMA) requirements but shall, to the maximum extent feasible, protect neighboring ocean views. Replacement structures shall seek increases in square footage laterally before they are allowed to increase vertically as viewed by neighboring properties. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.

G. Delete Section 17.60.020(F).

H. Amend Section 17.62.030(A), to read as follows:

A. An administrative plan review shall be required for the following development projects, unless they fall under the provisions for a rebuild development permit as provided in Section 17.62.080. If the project meets the requirements of this title and is consistent with Chapter 17.40, the planning manager/ director shall issue a development permit.

I. Amend Section 17.62.040(A) and (A)(10); and add subsection (A)(13) and (C)(1), to read as follows:

A. The planning manager/director may approve a site plan review after consultation with all appropriate city staff and specialists including the building official, city engineer, city biologist, city geologist, city archeologist and city coastal engineer; and where substantial evidence supports the findings set forth in subsection D of this section for new construction or reconstruction of structures authorizing the following:

10. Sea walls, bulkheads, or any other shoreline protective devices, except for those that meet the requirements for a De Minimis Waiver listed in LIP Section 13.4.11 or rebuild development permit listed in Section 17.62.080 as required;

13. Non-beachfront development over 18 feet in height on a replacement structure where the previously existing structure was damaged or destroyed by a natural disaster and the replacement structure is not sited substantially in the same location on the affected property as the damaged or destroyed structure, so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration.

C. Notice of Application Filing. Within 10 calendar days from the receipt date of a complete application, the planning manager/director shall notify in writing of the filing of the application to property owners and residents of all property within a 500 foot radius of the proposed project, but in no event fewer than the owners and occupants of 10 developed properties. Notwithstanding the foregoing, for property in the RR-10 and RR-20 zones the notice radius shall be 1,000 feet. The purpose of the notice is to inform the surrounding property owners and residents of the filing of the application and provide an opportunity for comment on the application prior to the planning manager/director's decision. The notice shall describe the request, provide a map showing the specific location of the property, describe the review process and timeframes, and indicate how to contact the case planner assigned to the application.

1. For development over 18 feet in height where the replacement structure is not proposed to be sited in substantially the same location on the affected property as the damaged or destroyed structure, a notice of application shall be provided to all properties within a 1,000 foot radius of the development.

J. Add Section 17.62.080. Rebuild development permit, to read as follows:

§ 17.62.080. Rebuild development permit.

A. A rebuild development permit shall be required for the following development projects related to structures being replaced after being damaged or destroyed in a natural disaster. It shall be issued by planning manager/director upon demonstrating by a preponderance of the evidence that all requirements of the municipal code are met, as applicable.

1. Mechanized equipment or temporary shoring on the beach necessary to construct beachfront properties so long as construction activities do not enter the intertidal zone and in no case shall extend beyond the previously existing primary development pad.

2. An onsite wastewater treatment system (OWTS) that replaces or improves an OWTS serving a structure that that was damaged or destroyed by a natural disaster.

a. OWTS replacements on a sandy beach or coastal bluff shall be sited the most landward feasible as determined by appropriate city staff, shall not impact existing public accessways, and shall not extend seaward of the previously existing primary development pad.

b. OWTS replacements shall be located in the least environmentally impactful area.

3. New seawalls, as determined necessary by the planning director or building official to protect coastal resources, that protect an OWTS serving a structure that was damaged or destroyed by a natural disaster. New seawalls shall be sited only at the boundary of OWTS that it protects. New seawalls shall not extend into any existing public access easements or public access deed restrictions, excluding any such easements or deed restrictions on the seaward side of the OWTS it protects, and shall not expand further into previously approved public view corridors or further into open space deed restrictions.

4. Any new structure or improvement (including, but not limited to, foundation systems, utilities, driveways, water tanks, and other water storage devices) that is necessary or recommended to construct, install, or use the replacement structure described in subsection (A) in compliance with all applicable state and local laws and regulations.

5. Minor improvements to existing driveways or access roads that are required by the fire department after a natural disaster, such as minor changes to the width or grade of driveways or access roads. Accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement shall also be allowed, including new cuts on slopes steeper than 3:1 but shall not exceed 1:1 or steeper. Retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet. Improvements shall not extend into a public access easement or public access deed restriction and shall not expand further into a previously approved public view corridor (except for on-grade driveways), or further into open space deed restrictions. Access improvements that

do not meet the requirements of this subsection may be processed as an administrative coastal development permit or as a regular coastal development permit as listed in the Malibu LIP.

B. Application Submittal. An application shall be filed with the planning division and may be part of the planning verification application for replacement structures that were damaged or destroyed by a natural disaster. Applications shall be complete only after all required information is submitted; review by all appropriate city staff and specialists including review by the building official, city engineer, city biologist, city geologist, city archeologist, city coastal engineer and city environmental health specialist, as deemed necessary, is complete; and the application fee determined by resolution of the city council is paid.

C. Action. The planning manager/director shall approve, deny, or approve with conditions a rebuild development permit within 15 calendar days from the date of a complete application. Complete application determinations shall be determined solely by the City. The City may include incomplete/or nonconforming plans as a basis for an incomplete application in addition to standard application requirements. No decision shall be subject to invalidation on the grounds that it is made after the deadline. The applicant shall be informed of the action by letter and/or approved plans. Action of the planning manager/director shall be final and not appealable.

D. Expiration. An approved rebuild development permit shall expire three years from the date of final approval, unless a time extension has been granted, or work has commenced and substantial progress made (as determined by the building official) and the work is continuing under a valid building permit. If no building permit is required, the rebuild development permit approval shall expire after three years from the date of final planning approval if construction is not completed. If a rebuild development permit is included within a planning verification application pursuant to Section 17.60.020(C), then the rebuild development permit shall expire when the planning verification expires.

E. Extension. The planning manager/director may grant up to four one-year extensions of the expiration of a rebuild development permit approval, if the planning manager/director finds, Based on substantial evidence, that due to unusual circumstances, strict compliance with the expiration date of the permit would create an undue hardship for the applicant.

SECTION 7. Effective Date.

The LCPA sections referenced in Section 5 of this Ordinance shall become effective upon certification by the California Coastal Commission. The ZTA sections referenced in Section 6 of this ordinance shall become effective 30 days following adoption by the City Council.

SECTION 8. Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality or the remaining portions of this Ordinance; it being hereby expressly declared and this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phases be declared invalid or unconstitutional.

SECTION 9. Certification.

The City Clerk shall certify to the passage and adoption of this Ordinance.

PASSED, APPROVED, and ADOPTED this 12th day of March 2025.

MARIANNE RIGGINS, Mayor Pro-Tem

ATTEST:

CHRISTINA MUNOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal) 3/12/2025

APPROVED AS TO FORM:

KELLAN MARTZ, Assistant City Attorney
for TREVOR RUSIN, Interim City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 524 was passed and adopted at the Adjourned Regular City Council meeting of March 12, 2025, by the following vote:

AYES:	3	Councilmembers:	Conrad, Uhring, Riggins
NOES:	0		
ABSTAIN:	1	Councilmembers:	Silverstein
ABSENT:	1	Councilmembers:	Stewart

CHRISTINA MUÑOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal)

Commission Agenda Report

Planning Commission Meeting
11-16-26
Item 3.B.6.

To: Chair Kamins and Members of the Planning Commission

Prepared by: Rebecca Evans, MS, Senior Management Analyst

Reviewed by: Tyler Eaton, AICP, Assistant Community Development Director

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director

Date prepared: November 5, 2026 Meeting date: November 16, 2026

Subject: Extension of Planning Verification-Woolsey Fire No. 23-002 – An application to extend the deadline to obtain a building permit for structures damaged or destroyed in the Woolsey Fire

Location: 30103 Harvester Road
APN: 4469-044-009
Owners: Golden State Family Trust and Bing Xu Liu and Lixian Liu Trust

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RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 26-72 (Attachment 1) granting an eighteen-month extension to obtain a building permit for Planning Verification-Woolsey Fire (PVWF) No. 23-002 to rebuild nonconforming uses or structures damaged or destroyed in the Woolsey Fire for the property located in the Rural Residential, Two-Acre zoning district at 30103 Harvester Road (Golden State Family Trust and Bing Xu Liu and Lixian Liu Trust).

DISCUSSION: On November 8, 2018, the Woolsey Fire destroyed 465 homes in the City of Malibu. On March 12, 2025, the City Council adopted Ordinance No. 524 (Attachment 3), which extended the ability to initiate the planning application process and obtain a building permit to rebuild a structure that was damaged or destroyed by a disaster. Section 17.60.020(C) of the Malibu Municipal Code was amended to read as follows:

> Any structure, including any structure that was damaged or destroyed by a natural disaster, 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. Structures that were damaged or destroyed by a natural disaster may be permitted, at the discretion of the planning director through approval of a planning verification, to increase the square footage, height or bulk permitted by this title by 10 percent of the existing or previously existing square footage, height or bulk of the structure. Increased height or bulk on non-beachfront properties shall not exceed 18 feet, unless a site plan review is obtained, and increased square footage shall not exceed the limits of Section 17.40.040(A)(13). The application for the reconstruction must be initiated with the city within six years of the date of damage or destruction, and a building permit must be diligently pursued and obtained within eight years from the date of damage or destruction and not become expired. A request for an extension of time past the six-year or eight-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 six- or eight-year limit creates an undue hardship. Extensions for applications may not total more than three years for a maximum total of nine years from the date of the disaster. Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

Absent a time extension, a building permit would need to be obtained for Planning Verification-Woolsey Fire No. 23-002 no later than November 9, 2026. On October 27, 2026, applicant Vitus Matare and Associates, on behalf of owners Golden State Family Trust and Bing Xu Liu and Lixian Liu Trust, submitted a request for an eighteen-month time extension to the deadline to obtain a building permit for a nonconforming in-kind plus ten percent disaster rebuild of a single-family residence and garage.

The extension request letter cites delays from a tragedy in the owner's family as well as the applicant's loss of all digital files in their office during the Palisades Fire and resulting pause in work during recovery. The Fuel Modification Unit and Fire Prevention Bureau approvals and Los Angeles County Waterworks District No. 29 Fire Flow Certification are complete. All reports and plans have been submitted to building plan check, the applicant has responded promptly to corrections and the owners intend to proceed with development after the rainy season grading moratorium and once building permits are issued. The owner's basis for due cause is included as Attachment 2.

CONCLUSION: Should the Planning Commission approve the time extension request, the owners would have until May 8, 2028 to obtain a building permit for PVWF No. 23-002.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-72
2. Time Extension Request
3. City Council Ordinance No. 524

All referenced City Council and Planning Commission records are available for review at http://www.malibucity.org/onbase.

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-72

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING AN EIGHTEEN-MONTH EXTENSION TO OBTAIN A BUILDING PERMIT FOR PLANNING VERIFICATION-WOOLSEY FIRE NO. 23-002 TO REBUILD NONCONFORMING USES OR STRUCTURES DAMAGED OR DESTROYED IN THE WOOLSEY FIRE FOR THE PROPERTY LOCATED IN THE RURAL RESIDENTIAL, TWO-ACRE ZONING DISTRICT AT 30103 HARVESTER ROAD (GOLDEN STATE FAMILY TRUST AND BING XU LIU AND LIXIAN LIU 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-Woolsey Fire (PVWF), four years from the date of damage or destruction to obtain building permits, and extensions to these deadlines could not total more than five years.

C. On December 14, 2020, approximately 50 percent of property owners of destroyed homes had submitted a PVWF to rebuild homes. Due to 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 March 29, 2023, PVWF No. 23-002 was approved.

E. On January 8, 2024, City Council adopted Ordinance No. 513, which extended the ability to initiate a PVWF within six years of the date of damage or destruction to November 8, 2024, with the ability for the Planning Commission to grant extensions when strict compliance created an undue hardship. Extensions could not total more than nine years. In addition, the deadline to obtain building permits was extended to November 8, 2026.

F. On March 12, 2025 following the 2025 Palisades Fire, City Council adopted Ordinance No. 524, which included an amendment to Malibu Municipal Code Section 17.60.020(C) to allow the Planning Commission to consider requests for an extension of time to obtain a building permit for nonconforming uses or structures damaged or destroyed by a natural disaster for a maximum total of eleven years from the date of the disaster (November 8, 2029 for the Woolsey Fire).

G. On October 27, 2026, applicant Vitus Matare & Associates, Inc., on behalf of owners Golden State Family Trust and Bing Xu Liu and Lixian Liu Trust, submitted an application requesting an eighteen-month extension to the November 8, 2026 deadline to obtain a building

permit for an in-kind plus ten percent rebuild of nonconforming uses or structures. The Woolsey Fire destroyed the single-family residence and garage. PVWF No. 23-002 was approved on March 29, 2023. The owners experienced a family tragedy and the project was further delayed by the applicant's loss of all digital files in their office during the Palisades Fire and resulting pause in work during recovery. All reports and plans have been submitted to building plan check, Los Angeles County Fire Department and Los Angeles County Waterworks District No. 29 approvals have been obtained and the owners intend to proceed with development after the rainy season grading moratorium and once building permits have been issued.

H. On November 16, 2026, the Planning Commission held a duly noticed public hearing on the request, reviewed and considered the agenda report, reviewed and considered written correspondence, public testimony, and other information in the record.

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 obtain a building permit for nonconforming structures and uses damaged 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.

Based on substantial evidence in the record, the Planning Commission finds that, due to unusual circumstances, strict compliance with the eight-year time limit imposed by Malibu Municipal Code Section 17.60.020(C) would create an undue hardship. The recitals above are adopted hereon, and the property owners have demonstrated to the satisfaction of the Planning Commission the necessity of a time extension to obtain a building permit for PVWF No. 23-002. The Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby grants the property owners an eighteen-month time extension to obtain a building permit for PVWF No. 23-002 to rebuild non-conforming uses or structures destroyed or damaged in the Woolsey Fire. Said building permit shall be obtained by May 8, 2028.

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

PASSED, APPROVED AND ADOPTED this 16th day of November, 2026.

MARNI KAMINS, 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, in person at City Hall, or by calling (310) 456-2489, ext. 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-72 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 16th day of November, 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

REBECCA EVANS, Recording Secretary

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · www.malibucity.org

Received
10/27/26
Planning Div.

WOOLSEY FIRE
Non-Conforming In-kind Disaster Rebuild Building Permit Time Extension Request

The City of Malibu will not accept incomplete applications.

Staff use only

Woolsey Fire Extension No. **EXTWF No. 26-017**

To submit a Woolsey Fire building permit time extension request:

To request a time extension to obtain building permits for a previously approved Planning Verification for a non-conforming in-kind rebuild, the request must be timely received by the Planning Division in person or via email to planningadmin@malibucity.org. The deadline to submit a Woolsey Fire building permit time extension request is **November 8, 2026**. Per California Code of Civil Procedure Section 12(a), because this falls on a weekend, the City will accept requests received and paid on the next business day, Monday, November 9, 2026, by 5:30 PM.

Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster, with maximum extension to **NOVEMBER 8, 2029**. For questions about this form, please email revans@malibucity.org.

Site Address: 30103 Harvester Rd, Malibu

Planning Verification-Woolsey Fire No: 23-002 (if applicable)

ALL of the following must be timely filed to perfect a time extension request.

1. **Time Extension Checklist** _____

   This form with property owner's signature

2. **Time Extension to Obtain Building Permits Request Letter** _____

   A letter setting forth unusual circumstances that render strict compliance to the deadline an undue hardship. Property Owners are encouraged to provide evidence of such hardship. This letter and evidence will be provided to the Planning Commission. I am requesting an extension for 1.5 year(s).

3. Time Extension Fee (Director: $723) (Planning Commission: $2,600) or currently adopted fee _____

ATTACHMENT 2

4. **Property Owner's /Occupant's Information**

Name: Xia Zhang & Bing Xu Liu

Property Owner's mailing Address: [redacted]

Property Owner's telephone:

Property Owner's email address:

5. **Proof of Ownership / Authorized Representatives**

If grant deed or title report is held by an LLC or Trust, submit Operating Agreement for LLC or Trust Documents for Trusts to identify authorized representatives

6. **Applicant's Information**

If an applicant is submitting this form on behalf of the property owner, the Authorization to Submit a Project must be filled out and returned with this form.

Name: Vitus Matare

Applicant's mailing address: P.O. Box 1204

Malibu, CA. 90265

Applicant's telephone: 310-456-0606

Applicant's email address: vitus.matare@gmail.com

7. **Acknowledgements**

MMC Section 17.60.020(A) 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."

Pursuant to MMC Section 17.60.020(C), any structure described in subsection Section 17.60.020 (A), 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 six years of the date of damage or destruction, and a building permit is diligently pursued and obtained within eight years from the date of damage or destruction and has not expired. A request for an extension of time to the six-year or eight-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 six- or eight-year limit creates an undue hardship. **Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster**. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

I hereby certify that I am presently the legal owner of the above-described property and have read MMC Sections 17.60.020(A) and (C).

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
	Xia Zhang Member - On behalf of Global View, LLC	10/13/2026
	Bing Xu Liu Member - On behalf of Global View, LLC	10/13/26

I hereby certify that the time extension request submittal contains all of the above items. I understand that if any of the items are missing or subsequently deficient, the time extension shall be deemed to have been withdrawn and the request is invalid. I acknowledge that the City strongly encourages me to immediately calendar the expiration date of this permit, that it is my responsibility to monitor its status and that the City has no ability to provide relief when a permit has expired.

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
	Xia Zhang Member - On behalf of Global View, LLC	10/13/2026
	Bing Xu Liu Member - On behalf of Global View, LLC	10/13/26

8. Indemnification Clause

The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
	Xia Zhang Member - On behalf of Global View, LLC	10/13/2026
	Bing Xu Liu Member - On behalf of Global View, LLC	10/13/26

Note: November 8, 2024 was the deadline to submit a time extension request to submit a Planning Verification for non-conforming structures damaged or destroyed in the Woolsey Fire. No request to extend the deadline to submit a Planning Verification can be accepted at this time.

AUTHORIZATION TO SUBMIT A PROJECT

Vitus Matare (print name) is authorized by me/us as the owner(s) of the property located at 30103 Harvester Rd, Malibu 90265, to submit an application to and obtain permits from the City of Malibu Planning Division and to act on my/our behalf of the process that applicant. This authorization will be valid until revoked by me/us in writing.

This form must be notarized if not witnessed by City of Malibu staff.

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
	Xia Zhang Member - On behalf of Global View, LLC	10/13/2026
	Bing Xu Liu Member - On behalf of Global View, LLC	10/13/26

Witnessed by:

Dated: _____

_____
Witness Signature (Staff)

_____
Print Name

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of California

County of Los Angeles

On 10/13/2016 before me, Samuel Adam Minton
(Insert Name of Notary Public and Title)

Personally appeared Xia Zhang & Bing Xu Liu
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument that person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the forgoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

Samuel Adam Minton
COMMISSION #2481743
NOTARY PUBLIC • CALIFORNIA
LOS ANGELES COUNTY
Commission Expires February 13, 2020

VITUS MATARÉ & ASSOCIATES, INC.
P.O. Box 1204, Malibu, California 90265 ph 310.317.0700
info@vitusmatare.com

October 23, 2026

Community Development Manager Tyler Eaton
City of Malibu Planning Dept
23825 Stuart Ranch Road, Malibu CA 90265

Re: 30103 Harvester Rd (APN 4469-044-009)
PVWF 23-002

Dear Tyler,

We are requesting a one and a half year extension of PVWF 23-002 for reconstruction of the home at 30103 Harvester Road destroyed in the Woolsey Fire. Construction documents have been reviewed by all City and County agencies and final corrections have been resubmitted to all reviewers.

Fuel Modification Unit as well as Fire Prevention Bureau approvals are in hand and Fire Flow Certification by District 29 is complete.

This is a relatively simple rebuild but we have been delayed by a tragedy in the owner's family as well as the loss of all digital files pertaining to this project during the Palisades Fire on January 7, 2025. As a result, your original reports required updates due to the unavoidable pause in work on this application.

We have been steadily following up and responding promptly to corrections from all agencies. All reports and plans have been resubmitted and plan check is processing rapidly.

No further revisions to the house design are proposed by our team. Our clients intend to move forward with construction immediately once building permits are issued. We respectfully request an extension of PVWF- 23-002 for one and a half additional years.

Please advise if additional information might be helpful.

Sincerely -

Vitus Matare

ORDINANCE NO. 524

AN ORDINANCE OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT 25-001, AN AMENDMENT TO THE LOCAL COASTAL PROGRAM AND ZONING TEXT AMENDMENT NO. 25-001, AN AMENDMENT TO TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE UPDATING REGULATIONS TO FACILITATE THE REBUILDING OF STRUCTURES DAMAGED OR DESTROYED BY NATURAL DISASTERS, INCLUDING BUT NOT LIMITED TO, THE 2025 PALISADES FIRE, 2024 FRANKLIN FIRE, AND 2024 BROAD FIRE TO PROVIDE RELIEF FOR THOSE AFFECTED, AND FINDING THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Recitals.

A. On November 6, 2024, the Broad Fire began and destroyed structures on at least 4 properties in Malibu leaving residents with an urgent need to rebuild.

B. On December 9, 2024, the Franklin Fire destroyed structures on at least 38 properties in Malibu leaving residents with an urgent need to rebuild.

C. On January 7, 2025, the Palisades Fire destroyed structures on over 700 properties in Malibu leaving residents with an urgent need to rebuild. The Governor of California has declared the event a State of Emergency and the President of the United States has declared the event a Federal Emergency.

D. On January 27, 2025, the City Council adopted Resolution No. 25-06 to: 1) initiate a Local Coastal Program (LCP) amendment and zoning text amendment to consider changes to the Malibu LCP and Title 17 (Zoning) of the Malibu Municipal Code (MMC) to facilitate the rebuilding of structures damaged or destroyed by the 2025 Palisades Fire, 2024 Franklin Fire, and 2024 Broad Fire and provide relief for those affected by the fires; 2) Bypass the Zoning Ordinance Revisions and Code Enforcement Subcommittee and directed the Planning Commission to schedule a public hearing regarding the same.

E. On January 30, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

F. On February 6, 2025, a Notice of Planning Commission Public Hearing was republished in a newspaper of general circulation within the City of Malibu as a courtesy.

G. On February 13, 2025, Governor Newsom issued Executive Order N-20-25, which suspended requirements of the California Environmental Quality Act and California Coastal Act for Palisades Fire rebuilds and related issues.

H. On February 13, 2025, a Notice of Availability of Local Coastal Program Amendment (LCPA) Documents and a Notice of City Council Public Hearings for both the March 4, 2025 and March 10, 2025 meetings were published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

I. On February 20, 2025, the Planning Commission held a duly noticed public hearing on the proposed rebuild amendments on LCPA 25-001 and ZTA No.25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record.

J. On March 4, 2025, the City Council held a meeting which included a public workshop on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council completed the public workshop and adjourned the public hearing to March 5, 2025.

K. On March 5, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The meeting was adjourned to March 6, 2025.

L. On March 6, 2025, the City Council continued the public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on first reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001 as recommended by staff with the additional changes presented at the March 6, 2025 meeting. The City Council adopted Urgency Ordinance No. 524U for the Malibu Municipal Code amendments to go into effect immediately.

M. On March 10, 2025, the City Council continued the public hearing for the second reading to March 12, 2025.

N. On March 12, 2025, the City Council held a duly noticed public hearing on the proposed rebuild amendments LCPA 25-001 and ZTA No. 25-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on second reading Ordinance No. 524, approving LCPA 25-001 and ZTA No. 25-001.

SECTION 2. Environmental Review.

Pursuant to Public Resources Code Section 21080.9, California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. LCP Local Implementation Plan (LIP) Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and the City's Zoning Ordinance. In order to prevent

inconsistency between the LCP and the City's Zoning Ordinance, if the LCPA is approved, the City must also approve the corollary amendment to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCPA and because they are entirely dependent on, related to, and duplicative of the exempt activity, they are subject to the same CEQA exemption.

Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Planning Commission determined that there is no possibility the amendment will have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies. The amendments to the MMC that are not corollary to the LCP can be seen not to have a significant effect on the environment as they merely create permit and fine requirements and allow structures that existed previously to be rebuilt in the same location with substantially the same purpose and capacity as the structure that would be replaced, while also further protecting coastal resources and hazard protections.

SECTION 3. Local Coastal Program Findings.

Based on evidence contained within the record, including the agenda reports for and the hearings on February 20 and March 4, 2025, the City Council hereby finds that the proposed amendment meets the requirements of, and is in conformance with, the policies and requirements of Chapter 3 of the California Coastal Act.

A. The amendments to the LCP meet the requirements of, and are in conformance with the goals, objectives and purposes of the LCP. Updated development standards specific to rebuild projects that were destroyed in natural disaster and relief for those affected, ensure that development standards are in place to facilitate people getting their properties back to where they were before the natural disaster while also incorporating measures that will further enhance and protect coastal resources. Development standards were carefully crafted to meet the goals of the of the LCP.

B. As a part of the LIP, the updated development standards specific to rebuild projects that were destroyed in natural disaster and providing relief for those affected ensure that future development projects and land uses within specific zoning districts conform to applicable LCP policies, goals, and provisions, while taking into consideration the protection and enhancement of visual resources, public access, and recreation opportunities. Incorporating specific requirements for rebuild structures to avoid coastal accessways, be sited the most landward feasible and the installation of structures that will protect the coastal resources from contamination greater than current.

SECTION 4. Zoning Text Amendment Findings.

Pursuant to Malibu Municipal Code Section 17.74.040, the City Council hereby makes the following findings:

A. The subject zoning text amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The proposed amendment serves to enhance the Malibu General Plan Mission Statement, protect public safety and preserve Malibu's natural and cultural resources.

B. The City Council held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan, Malibu Municipal Code and the Malibu Local Coastal Program, and finds that the zoning text amendment is consistent and recommends approval.

SECTION 5. Local Coastal Program Amendment No. 25-001, Amendments to the Local Implementation Plan (LIP).

The City Council hereby amends the LIP as follows:

A. Amend Section 2.1 related to LIP definitions to include the following:

SECONDARY DEVELOPMENT PAD - a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

PRIMARY DEVELOPMENT PAD - the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 3.6(M)(1) related to residential development standards for temporary homes, to read as follows:

1. No more than two temporary housing structures which together total no more than one thousand (1,000) square feet shall be permitted.

C. Amend LIP Section 13.4.6(A) and (B), and add Section 13.4.6(A)(4) related to coastal development permit exemptions, to read as follows:

A. The replacement of any structure, other than a public works facility, destroyed by a disaster provided that the replacement structure meets all the of the following criteria:

1. It is for the same use as the destroyed structure;
2. It does not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent, and

3. It is sited in substantially the same location on the affected property as the destroyed structure.

As used in this section, "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

4. Mechanized equipment or temporary shoring on the beach necessary to construct the replacement structure is allowed under this exemption for beachfront properties only if there are no feasible alternatives and construction activities do not enter the intertidal zone or extend beyond the previously existing primary development pad and appropriate Best Management Practices are used.

B. An onsite wastewater treatment system (OWTS) that was damaged or destroyed by a natural disaster may be replaced and improved provided that the replacement OWTS is located within the existing primary development pad and is the minimum standard size necessary to meet the building code for the existing or replacement structure it serves. If the new OWTS exceeds the minimum standard size or is located outside the primary development pad, then a De Minimis Waiver or OWTS Coastal Development Permit shall be required as applicable by Sections 13.4.11 and 13.29 respectively. For OWTS replacements on or adjacent to a sandy beach or coastal bluff, the OWTS shall be sited in the most landward location feasible and may not extend further seaward than the existing and/or previously existing seawall, whichever is more landward.

D. Amend LIP Section 13.4.11(A) and (A)(1) and (2), and add subsections (3), (4), (5), and (6); Amend 13.4.11(B)(1),(2), (3), and (5); Amend 13.4.11(C)(2) and(3); and amend 13.4.11(D), related to general requirements for de minimis waiver, to read as follows:

13.4.11 General Requirements for De Minimis Waiver

A. General Requirements for De Minimis Waiver.

The requirement for a coastal development permit may be waived through a De Minimis Coastal Development Permit Waiver issued by the planning director for the items listed below where the improvements are not otherwise exempt pursuant to Section 13.4, provided all the requirements of subsections B and C are met. The planning director's decision on whether to issue a de minimis waiver is not locally appealable; however if the development is within the appealable jurisdiction of the California Coastal Commission, the decision of the planning director is appealable to the Coastal Commission as described below in subsection (C).

1. Improvements to an onsite wastewater treatment system (OWTS) serving a structure that replaces one that was damaged or destroyed as a result of a natural disaster, where the improvements involve installing a new system or upgrading an

existing system to an advanced system on the same lot and does not meet the exemption criteria of Section 13.4.6(B).

2. Minor improvements to existing driveways or access roads that are required by the fire department after a natural disaster, such as minor changes to the width or grade of driveways or access roads. This includes accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement, including new cuts on slopes steeper than 3:1 but less than 1:1, subject to geotechnical feasibility review. Retaining walls shall not exceed six (6) feet in height. New retaining walls that replace an existing wall being removed as a result of the driveway widening are allowed to be replaced to the same height of previous wall and may increase in height by a maximum of three (3) additional feet but shall not have a total height in excess of nine (9) feet. Access improvements that do not meet the findings for a waiver may be processed as an administrative coastal development permit (ACDP) under Section 13.13.1(A) or as a regular coastal development permit.
3. Replacement seawalls that exceed ten (10) percent in height. The replacement seawall shall be sited in the same footprint as the previous seawall and shall not expand further seaward nor shall it extend further into an existing public access easement, deed restriction or view corridor.
4. Increases in the previous finished floor elevation for structures that replace one that was damaged or destroyed as result of a natural disaster, where the previous finished floor elevation must be raised to a higher elevation to meet Federal Emergency Management Agency (FEMA) flood zone requirements as determined by the City's floodplain administrator. Such increase shall not exceed the increase in elevation to the finished floor required to meet the minimum FEMA flood zone requirements. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.
5. Replacement structures that would otherwise be exempt from the requirement to obtain a coastal development permit pursuant to Section 13.4.6(A) but are proposed to be sited not in substantially the same location where the damaged or destroyed structure was located so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration. This waiver may include retaining walls and grading necessary for the construction of the relocated structure, but cuts may not be made into slopes steeper than 1:1 and retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet.
6. Water tanks and other water storage devices necessary to construct, install, or use a replacement structure that was damaged or destroyed by a natural disaster and as required or recommended by applicable federal, state and local laws and regulations. New shoreline protection devices are not included under this waiver.

B. Findings for and Reporting of De Minimis Waivers.

All decisions on de minimis waivers shall be accompanied by written findings:

1. That the structures or improvements have no potential for adverse effects, either individually or cumulatively, on coastal resources or public access to the shoreline or along the coast.
2. That the structures or improvements are consistent with the certified Malibu Local Coastal Program, including the resource protection policies, as applicable.
3. If an OWTS is to be relocated on the lot, that the director, in consultation with the environmental health administrator, has determined the relocation is necessary to better protect coastal resources and if on a beachfront lot, is no further seaward than the existing OWTS or no further seaward than the previously existing seawall, whichever is further landward.
4. If driveway/road improvements are proposed, that: (a) they are in the same general alignment as the existing road; (b) they are not located in environmentally sensitive habitat area (ESHA); (c) they do not remove or encroach within the protected zone of native trees; and (d) they do not adversely impact visual resources.
5. For relocation pursuant to Section 13.4.11(A)(5), that the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and primarily safety.

C. Reporting De Minimis Waiver.

1. At the time the application is submitted for filing, the applicant must post, at a conspicuous place as close to the site as possible that is easily accessible by the public and approved by the city, notice, on a form approved by the city, that an application for a de minimis waiver has been submitted to the city. Such notice shall contain a general description of the nature of the proposed development.
2. The planning director shall issue a notice of determination on the application which shall be reported to the planning commission. The notice of determination shall be provided to all known interested parties, including the executive director of the coastal commission, at least ten (10) days prior to the waiver determination being reported to the planning commission. For development within the appealable jurisdiction of the California Commission, the planning director's decision may be appealed by an aggrieved person directly to the California Coastal Commission within ten (10) working days of issuance of the notice of determination only if the development is one of the four types of development listed in the definition of Appealable Coastal Development Permit.
3. If, after consideration of the waiver and any public objections to it, the planning commission requests that the waiver not be effective, then the applicant shall be advised that a Coastal development permit is required for the structures or improvements. Otherwise, the waiver is effective immediately after the planning commission meeting where the matter is heard.

D. Waiver Expiration.

A de minimis waiver shall expire and be of no further force and effect if the authorized structures or improvements are not commenced pursuant to a valid grading and/or building permit, as applicable, within five years of the effective date of the waiver. If expired, a coastal development permit or another waiver shall be required.

SECTION 6. Zoning Text Amendment No. 25-001, Amendments to the Malibu Municipal Code (MMC).

The City Council hereby amends Title 17 - Zoning in the MMC as follows:

A. Amend Section 17.02.060 related to definitions to include the following:

"Secondary development pad" means a building pad, disturbed area, or development area that is not connected to a primary development pad other than by a driveway or walkway.

"Primary development pad" means the main building pad, disturbed area, or development area which supported the primary building in which the principal use of the lot was situated or conducted, as distinguished from a secondary building pad or development area that is not attached to the main building pad or development area, for purposes of properties that were damaged or destroyed by a natural disaster. For beachfront lots, decks that were attached to the primary building shall be included in the primary development pad if replaced with another deck in the same footprint.

B. Amend Section 17.40.040(A)(18)(a) and (g) and add subsections (i), (j), and (k) to read as follows:

18. Temporary Housing. Temporary housing structures as used herein means mobilehomes, trailers, recreational vehicles or other structures which are self-contained units which include sanitary facilities, and facilities for normal daily routines including cooking and sleeping. Temporary housing structures do not include any structure placed upon a permanent foundation, nor do they include tents, yurts, or similar fabric or textile installations. Temporary housing structures used as a residence during reconstruction or in anticipation of reconstruction of a residence destroyed due to natural disaster shall be permitted with a temporary housing permit approved by the Planning Director and shall comply with the following conditions:

a. No more than two temporary housing structures which together total no more than 1,000 square feet shall be permitted.

g. Upon expiration of the temporary housing permit, the property owner shall obtain verification from the city that all temporary housing structures have been removed

from the property. Failure to obtain this verification shall result in a fine of $1,000 per day until the verification is obtained.

i. The temporary housing structures shall be occupied only by the property owner(s) or tenant(s) living on the property at the date of the natural disaster, or their families. Should this requirement be violated, the temporary housing structures must be immediately removed, the property will no longer be eligible to place temporary housing on the property for a period of 5 years, and the owner shall be subject to a fine of $1,000 per day. Liens may also be imposed on the property by the City as a means of compliance.

j. The siting of temporary housing shall be supported by a limited geotechnical report prepared by appropriately licensed professionals which evaluates the location of the proposed temporary housing with respect to geologic and flood hazards that the specific location(s) may be exposed to during the proposed four-year use of the location. Specifically, the threat of post-fire debris flows and floods as described by the United States Geological Survey and identified by the Watershed Emergency Response Team Assessments. A finding is required that the specific location of the temporary housing is safe for its intended use for the duration of use. The report must be submitted to the City for review and accepted by the Building Official.

k. If the temporary housing is supported on anything other than wheels or a trailer which can be readily moved (i.e. a manufactured home), it shall comply with requirements for foundations as noted in Chapter 16, 18 and Appendix G – Flood proof Construction of the current California Building Code and requires a building permit from the City. Temporary housing supported on wheels shall be fastened to the ground.

C. Amend Section 17.44.090(A)(1), to read as follows:

1. The maximum square footage of an ADU shall be 1,000 square feet. The maximum square footage shall include interior and exterior walls, finished and unfinished basements, mezzanines, storage space, and any space with a height clearance (floor to ceiling height dimension) above six feet. The area of a garage (400 square feet maximum) provided as part of accessory dwelling unit and exterior decks or overhangs that are attached to the structure shall not be included in the 1,000 square foot limit.

D. Amend Section 17.45.150(B), to read as follows:

B. Prohibition. All properties within a disaster area are temporarily prohibited from obtaining a new or updated primary view determination unless: (1) the request was submitted prior to the date the natural disaster began as declared or proclaimed by the City, State or Federal government, or as determined by the Planning Director if no declaration or proclamation has been made; or (2) the primary view determination would not impose any limitation on replacement landscaping or replacement structures.

E. Amend Section 17.53.090(C)(1)(a),(b), (c), (e), and (f) and add subsections (h), (i), and (j); and amend Section 17.53.090(C)(2), to read as follows:

a. Palm trees and eucalyptus trees are prohibited.
b. All vegetation is prohibited between zero and five feet from a structure.
c. The following species are prohibited within 50 feet of structures: Pine (Pinus species), Cypress (Cupressus species), Cedar (Cedrus species), Ficus (Ficus species), and Tree of Heaven (Ailanthus altissima).

e. Existing eucalyptus trees are allowed between five feet and 50 feet of a structure if a qualified expert, as determined by the director, identifies the tree(s) as a monarch butterfly habitat.
f. The distances for trees and shrubs subject to (b) through (e) shall be measured from the dripline of the tree or shrub at its projected maturity to the outermost projection of the structure including eaves and overhangs. No tree canopy shall be within five feet of the outermost projection of the structure including eaves and overhangs at projected maturity. Smaller diameter tree branches less than two inches must be removed within five feet of the outermost projection of the structure including eaves and overhangs and within 10 feet above the roof.

h. Only efficiently-irrigated plants and trees as allowed by this chapter shall be allowed between five feet and 30 feet of a structure.
i. Irrigation shall be required and maintained on the site in all planting areas between five feet and 100 feet of a structure, except in geologic hazard areas in which irrigation may not be allowed. Any proposed irrigation shall be reviewed by the project geotechnical consultant and conform to existing surficial stability standards, not contribute to any geologic hazard, and not adversely affect offsite properties. The consultant shall include a statement regarding the impact of the proposed irrigation system in the required Section 111 statement. The city shall review analyses and findings provided by the project geotechnical consultant and determine whether irrigation is allowed or required in geologic hazard areas. All vegetation within 100 feet of a structure shall maintain sufficient moisture content and be supported by appropriately designed irrigation.
j. Plants listed in the City of Malibu 'Invasive Species List' are prohibited.

2. Mulch material proposed between zero and five feet from a structure must consist of nonflammable materials, such as gravel and decomposed granite. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Use of wood chips and shredded rubber is prohibited anywhere on the site. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between five feet and 30 feet from a structure. Non-continuous mulched areas shall be separated with non-flammable materials such as gravel, rocks, decomposed granite, or stone. The distance shall be measured from the outermost projection of the

structure including eaves and overhangs. The maximum application area of mulch located between five feet and 30 feet from a structure is 20 feet by 20 feet with a five-foot separation between application areas. Any mulch materials (excluding wood chips and shredded rubber), are allowed 30 feet or more from a structure with no limitation on application area. Organic mulch shall be maintained with at least a 3 inch depth but must not exceed 6 inches in depth.

F. Amend Section 17.60.020(C) and add subsection (C)(1), to read as follows:

C. Any structure, including any structure that was damaged or destroyed by a natural disaster, 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. Structures that were damaged or destroyed by a natural disaster may be permitted, at the discretion of the planning director through approval of a planning verification, to increase the square footage, height or bulk permitted by this title by 10 percent of the existing or previously existing square footage, height or bulk of the structure. Increased height or bulk on non-beachfront properties shall not exceed 18 feet, unless a site plan review is obtained, and increased square footage shall not exceed the limits of Section 17.40.040(A)(13). The application for the reconstruction must be initiated with the city within six years of the date of damage or destruction, and a building permit must be diligently pursued and obtained within eight years from the date of damage or destruction and not become expired. A request for an extension of time past the six-year or eight-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 six- or eight-year limit creates an undue hardship. Extensions for applications may not total more than three years for a maximum total of nine years from the date of the disaster. Extensions for building permits may not total more than three years for a maximum total of eleven years from the date of the disaster. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

1. Replacement structures on beachfront lots are allowed to meet the minimum increases necessary to meet Federal Emergency Management Agency (FEMA) requirements but shall, to the maximum extent feasible, protect neighboring ocean views. Replacement structures shall seek increases in square footage laterally before they are allowed to increase vertically as viewed by neighboring properties. The height of the structure from the finished floor to the roof may remain the same as existed for the prior structure even if the prior structure was nonconforming in height. No additional height shall be allowed for the replacement structure if it has a nonconforming height. A conforming structure shall not be granted an additional height increase if it creates a nonconforming height.

G. Delete Section 17.60.020(F).

H. Amend Section 17.62.030(A), to read as follows:

A. An administrative plan review shall be required for the following development projects, unless they fall under the provisions for a rebuild development permit as provided in Section 17.62.080. If the project meets the requirements of this title and is consistent with Chapter 17.40, the planning manager/ director shall issue a development permit.

I. Amend Section 17.62.040(A) and (A)(10); and add subsection (A)(13) and (C)(1), to read as follows:

A. The planning manager/director may approve a site plan review after consultation with all appropriate city staff and specialists including the building official, city engineer, city biologist, city geologist, city archeologist and city coastal engineer; and where substantial evidence supports the findings set forth in subsection D of this section for new construction or reconstruction of structures authorizing the following:

10. Sea walls, bulkheads, or any other shoreline protective devices, except for those that meet the requirements for a De Minimis Waiver listed in LIP Section 13.4.11 or rebuild development permit listed in Section 17.62.080 as required;

13. Non-beachfront development over 18 feet in height on a replacement structure where the previously existing structure was damaged or destroyed by a natural disaster and the replacement structure is not sited substantially in the same location on the affected property as the damaged or destroyed structure, so long as the new location is substantially superior after considering the impact of the relocation on ESHA, visual resources, and safety; with safety being the primary consideration.

C. Notice of Application Filing. Within 10 calendar days from the receipt date of a complete application, the planning manager/director shall notify in writing of the filing of the application to property owners and residents of all property within a 500 foot radius of the proposed project, but in no event fewer than the owners and occupants of 10 developed properties. Notwithstanding the foregoing, for property in the RR-10 and RR-20 zones the notice radius shall be 1,000 feet. The purpose of the notice is to inform the surrounding property owners and residents of the filing of the application and provide an opportunity for comment on the application prior to the planning manager/director's decision. The notice shall describe the request, provide a map showing the specific location of the property, describe the review process and timeframes, and indicate how to contact the case planner assigned to the application.

1. For development over 18 feet in height where the replacement structure is not proposed to be sited in substantially the same location on the affected property as the damaged or destroyed structure, a notice of application shall be provided to all properties within a 1,000 foot radius of the development.

J. Add Section 17.62.080. Rebuild development permit, to read as follows:

§ 17.62.080. Rebuild development permit.

A. A rebuild development permit shall be required for the following development projects related to structures being replaced after being damaged or destroyed in a natural disaster. It shall be issued by planning manager/director upon demonstrating by a preponderance of the evidence that all requirements of the municipal code are met, as applicable.

1. Mechanized equipment or temporary shoring on the beach necessary to construct beachfront properties so long as construction activities do not enter the intertidal zone and in no case shall extend beyond the previously existing primary development pad.

2. An onsite wastewater treatment system (OWTS) that replaces or improves an OWTS serving a structure that that was damaged or destroyed by a natural disaster.

a. OWTS replacements on a sandy beach or coastal bluff shall be sited the most landward feasible as determined by appropriate city staff, shall not impact existing public accessways, and shall not extend seaward of the previously existing primary development pad.

b. OWTS replacements shall be located in the least environmentally impactful area.

3. New seawalls, as determined necessary by the planning director or building official to protect coastal resources, that protect an OWTS serving a structure that was damaged or destroyed by a natural disaster. New seawalls shall be sited only at the boundary of OWTS that it protects. New seawalls shall not extend into any existing public access easements or public access deed restrictions, excluding any such easements or deed restrictions on the seaward side of the OWTS it protects, and shall not expand further into previously approved public view corridors or further into open space deed restrictions.

4. Any new structure or improvement (including, but not limited to, foundation systems, utilities, driveways, water tanks, and other water storage devices) that is necessary or recommended to construct, install, or use the replacement structure described in subsection (A) in compliance with all applicable state and local laws and regulations.

5. Minor improvements to existing driveways or access roads that are required by the fire department after a natural disaster, such as minor changes to the width or grade of driveways or access roads. Accessory structures, such as retaining walls, necessary to accommodate the driveway or access road improvement shall also be allowed, including new cuts on slopes steeper than 3:1 but shall not exceed 1:1 or steeper. Retaining walls shall not exceed six feet in height for any one wall, nor twelve (12) feet for any combination of walls (including required freeboard), and which shall be separated by at least three feet. Improvements shall not extend into a public access easement or public access deed restriction and shall not expand further into a previously approved public view corridor (except for on-grade driveways), or further into open space deed restrictions. Access improvements that

do not meet the requirements of this subsection may be processed as an administrative coastal development permit or as a regular coastal development permit as listed in the Malibu LIP.

B. Application Submittal. An application shall be filed with the planning division and may be part of the planning verification application for replacement structures that were damaged or destroyed by a natural disaster. Applications shall be complete only after all required information is submitted; review by all appropriate city staff and specialists including review by the building official, city engineer, city biologist, city geologist, city archeologist, city coastal engineer and city environmental health specialist, as deemed necessary, is complete; and the application fee determined by resolution of the city council is paid.

C. Action. The planning manager/director shall approve, deny, or approve with conditions a rebuild development permit within 15 calendar days from the date of a complete application. Complete application determinations shall be determined solely by the City. The City may include incomplete/or nonconforming plans as a basis for an incomplete application in addition to standard application requirements. No decision shall be subject to invalidation on the grounds that it is made after the deadline. The applicant shall be informed of the action by letter and/or approved plans. Action of the planning manager/director shall be final and not appealable.

D. Expiration. An approved rebuild development permit shall expire three years from the date of final approval, unless a time extension has been granted, or work has commenced and substantial progress made (as determined by the building official) and the work is continuing under a valid building permit. If no building permit is required, the rebuild development permit approval shall expire after three years from the date of final planning approval if construction is not completed. If a rebuild development permit is included within a planning verification application pursuant to Section 17.60.020(C), then the rebuild development permit shall expire when the planning verification expires.

E. Extension. The planning manager/director may grant up to four one-year extensions of the expiration of a rebuild development permit approval, if the planning manager/director finds, Based on substantial evidence, that due to unusual circumstances, strict compliance with the expiration date of the permit would create an undue hardship for the applicant.

SECTION 7. Effective Date.

The LCPA sections referenced in Section 5 of this Ordinance shall become effective upon certification by the California Coastal Commission. The ZTA sections referenced in Section 6 of this ordinance shall become effective 30 days following adoption by the City Council.

SECTION 8. Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality or the remaining portions of this Ordinance; it being hereby expressly declared and this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phases be declared invalid or unconstitutional.

SECTION 9. Certification.

The City Clerk shall certify to the passage and adoption of this Ordinance.

PASSED, APPROVED, and ADOPTED this 12th day of March 2025.

MARIANNE RIGGINS, Mayor Pro-Tem

ATTEST:

CHRISTINA MUNOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal) 3/12/2025

APPROVED AS TO FORM:

KELLAN MARTZ, Assistant City Attorney
for TREVOR RUSIN, Interim City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 524 was passed and adopted at the Adjourned Regular City Council meeting of March 12, 2025, by the following vote:

AYES:	3	Councilmembers:	Conrad, Uhring, Riggins
NOES:	0		
ABSTAIN:	1	Councilmembers:	Silverstein
ABSENT:	1	Councilmembers:	Stewart

CHRISTINA MUÑOZ, Deputy City Clerk
for KELSEY PETTIJOHN, City Clerk
(seal)

Commission Agenda Report

Planning Commission Meeting
11-16-26
Item 3.B.7.

To: Chair Kamins and Members of the Planning Commission

Prepared by: Alexander da Silva, Associate Planner

Reviewed by: Joseph Smith, AICP, Contract Principal Planner

Approved by: Yolanda Bundy, MS, PE, CBO, CBFO, Community Development Director and Tyler Eaton, AICP, Assistant Community Development Director

Date prepared: October 22, 2026 Meeting date: November 16, 2026

Subject: Administrative Coastal Development Permit No. 19-070, Site Plan Review No. 26-035 and Demolition Permit No. 19-039 – An application to construct a 1,104 square-foot single-story addition to an existing 1,800 square-foot single-family residence, including the demolition and conversion of an existing detached guest house as part of the addition to the existing main house, new onsite wastewater treatment system, after-the-fact remodel to an existing detached garage, and exterior wall demolition resulting in approximately 22 percent and 84 percent demolition of the lineal feet of the single-family residence and guest house, respectively; including a site plan review for construction in excess of 18 feet in height up to a maximum of 18 feet, 2 inches for a pitched roof for the detached garage (Continued from November 2, 2026)

Location: 6608 Portshead Road, not within the appealable coastal zone
APN: 4466-019-006
Owner: 6608 Portshead Road Trust

RECOMMENDED ACTION: Receive and file the Community Development Director's report on the approval of revised Administrative Coastal Development Permit No. 19-070.

DISCUSSION: This agenda item is for informational and reporting purposes only. Pursuant to Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.13, the Community Development Director shall report in writing to the Planning Commission any administrative coastal development permits (ACDP) that were approved

by the City. If the majority of the Planning Commissioners present so request, the issuance of an ACDP shall not become effective, but shall, if the applicant wishes to pursue the application, be treated as a regular coastal development permit application under LIP Section 13.6, subject to the provisions for hearing and appeal set forth in LIP Sections 13.11 and 13.12.

LIP Sections 13.13 and 13.29 (Administrative Permits Applicability)

The Community Development Director may process ACDPs in accordance with LIP Section 13.13 if the proposed project is: A) not appealable as defined in LIP Chapter 2 and the project is for any of the uses specified: (1) improvements to any existing structure; (2) any single-family dwelling; (3) lot mergers; (4) any development of four dwelling units or less that does not require demolition, and any other developments not in excess of $100,000.00, other than any division of land; 5) water wells; and 6) driveways or access road improvements required by the fire department to improve access to properties damaged or destroyed as part of the Woolsey Fire that do not meet the criteria for a de minimis waiver; or B) is appealable as defined in LIP Chapter 2 and the project is for an attached or detached second dwelling unit. In accordance with LIP Section 13.29, the Community Development Director may also process applications for a new onsite wastewater treatment system (OWTS), replacement of a failed OWTS, or an upgrade to an existing OWTS in the same manner as ACDPs.

Permit Issuance and Local Appeal Period

On October 27, 2026, the Community Development Director originally issued the ACDP. The report to the Planning Commission was continued to the November 16, 2026 Regular Planning Commission meeting in order to further clarify the incorporation of the existing guest house into the single-family residence, correct the percentage of exterior wall demolition for the main house extension and to add a standard condition of approval. On November 10, 2026, the Community Development Director will issue the revised ACDP, thus beginning the local appeal period to the City Council. The local appeal period will begin on November 12, 2026 and end on November 20, 2026. A decision on the ACDP is not appealable to the California Coastal Commission (CCC) as the subject parcel is not located within the Appealable Jurisdiction of the CCC as depicted on the City's Post-LCP Certification Permit and Appeal Jurisdiction Map and confirmed per the definition of Appealable Coastal Development in LIP Section 2.1.

The project is more specifically described in the Community Development Director's revised decision attached hereto.

PUBLIC NOTICE: A Notice of Application and Notice of Decision were mailed to property owners and occupants within a 500-foot radius of the subject property.

ATTACHMENT: ACDP No. 19-070

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

COMMUNITY DEVELOPMENT DEPARTMENT

REVISED NOTICE OF DECISION[1]

Administrative Coastal Development Permit No. 19-070
Site Plan Review No. 26-035
Demolition Permit No. 19-039
Categorical Exemption No. 24-167
6608 Portshead Road
APN 4466-019-006

NOTICE IS HEREBY GIVEN that the City of Malibu has APPROVED an application filed by EPD Consultants, Inc. & Barsocchini & Associates Designs, Inc. on behalf of the property owner, 6608 Portshead Road Trust, for an administrative coastal development permit (ACDP) to allow for the construction of a 500 square foot (sf.) single-story addition to an existing single-family residence and a 604 sf. addition to an existing guesthouse to be connected with the main residence, new onsite wastewater treatment system (OWTS), after-the-fact remodel to an existing detached garage, after-the-fact installation of new landscaping, and exterior wall demolition resulting inapproximately 22 percent and 84 demolition of the lineal feet of the single-family residence and guesthouse, respectively, on a parcel located at 6608 Portshead Road; including Site Plan Review (SPR) No. 26-035 for construction to an existing garage over 18 feet (ft.) in height up to 18 ft., 2 inches (in.) for a pitched roof and Demolition Permit (DP) No. 19-039 to demolish the guest house and portions of the existing main residence. The subject parcel is zoned Rural Residential, One-Acre (RR-1) and is not located within the Appealable Jurisdiction of the California Coastal Commission (CCC) as depicted on the City's Post-Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction Map and confirmed per the definition of Appealable Coastal Development in LCP Local Implementation Plan (LIP) Section 2.1.

Proposed Project

Proposed Development

1. Construction of:
    a. 1,104 square-foot single-story addition to an existing 1,800 square-foot single-family residence, including the demolition and conversion of an existing detached guest house as part of the addition to the existing main house;
    b. After-the-fact 462 sf. addition and remodel to an existing detached garage with a pitched roof;
2. Installation of an OWTS including a 3,634-gallon treatment tank;
3. After-the-fact installation of landscaping;
4. 1,232 sf. of new impermeable surfaces (including building footprint);
5. Demolition of:
    a. 45 linear feet of an existing 1,800 sf. one-story single-family residence resulting in 22% demolition of exterior walls; and
    b. Removal of existing one-story guest house and incorporating its square footage into the main house via addition.

1 This revision to the Notice of Decision originally issued on October 27, 2026, is hereby issued to clarify the incorporation of the existing detached guest house as part of the addition to the existing main house, correct the percentage of exterior wall demolition for the main house extension and to add a standard condition of approval

Discretionary Requests

1. SPR No. 26-035 to allow for construction up to 18 ft., 2 in. in height for a pitched roof associated with the detached garage.; and
2. DP No. 19-039 to demolish the guest house and portions of the existing main residence.

Proposed Total Development Square Footage (TDSF)

• Main residence (with current-attached main house extension):	3,443 sf.
• Detached Garage:	1,260 sf.
Total:	**4,703 sf.**

Project Overview

The subject parcel is a rectangularly shaped, non-beachfront, residential parcel located immediately south of Pacific Coast Highway (PCH), east of Portshead Road, north of Selfridge Drive, and west of Wildlife Road, approximately 140 ft. south of the intersection of Hampton Place and Portshead Road in the Point Dume residential neighborhood, at 6608 Portshead Road (see Figure 1). The subject parcel is characterized by a gently sloping topography that descends northeast until it reaches PCH.

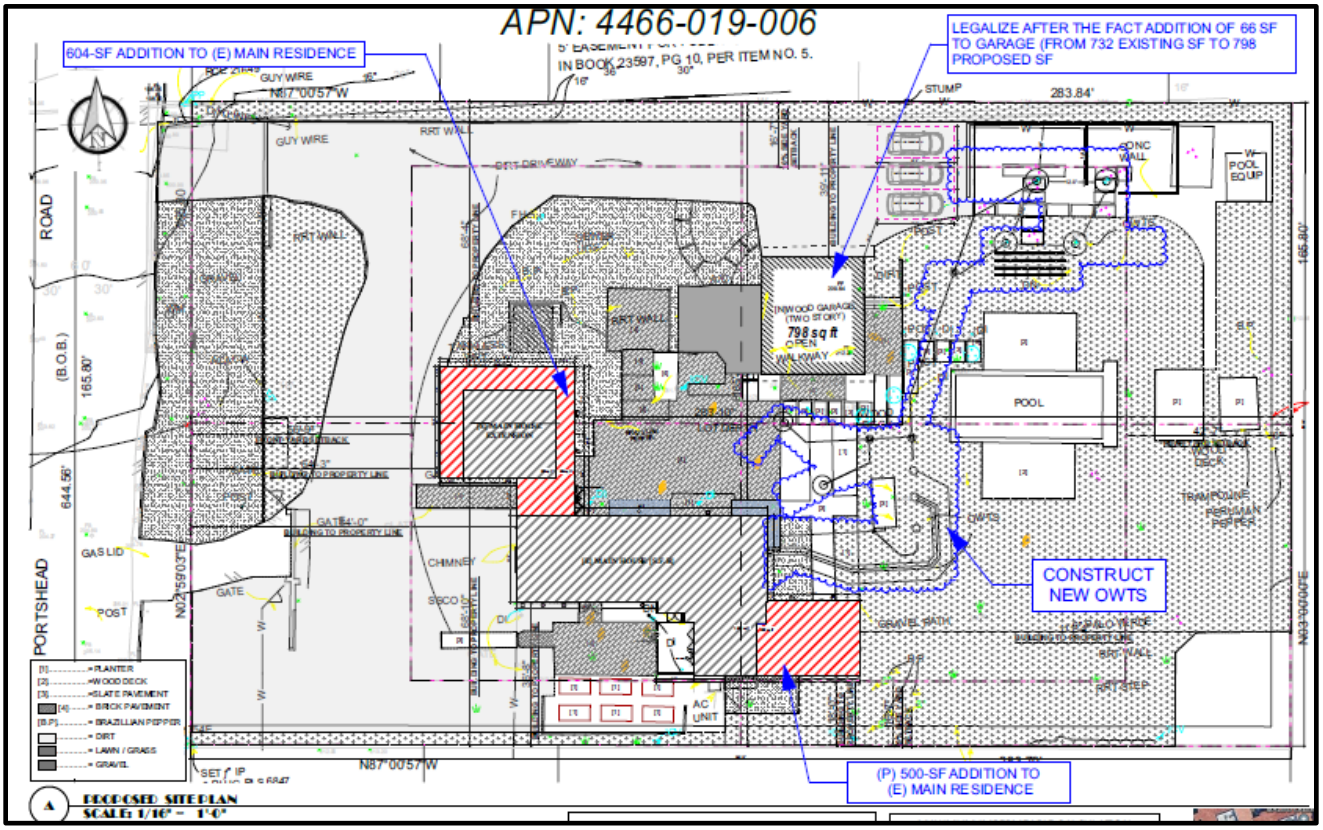
Figure 1 – Project Area Aerial



Source: Malibu GIS 2026 with Staff Edits

Figure 2 includes a site plan demonstrating the proposed additions within the context of the entire lot. The project includes an SPR for construction above 18 ft. to a maximum of 18 ft., 2 in. for the detached garage. The surrounding vicinity contains no immediately neighboring parcels that have established a Primary View Determination (PVD) of whose views contain the subject property within their line of sight. Additionally, the area, though directly south of PCH, cannot be seen by passengers or pedestrians traversing on PCH which is a designated scenic road in the LCP. The project continues the style and design of the existing single-family residence and detached garage, thus the prevailing character of the house, which is consistent with the neighborhood, will be maintained.

Figure 2 – Project Rendering



Source: Project Plans

On June 19, 2026, story poles were installed and certified on the subject parcel representing the height, bulk, and location of the proposed additions. Given the placement of the proposed additions on the subject parcel, the lack of visibility from or to PCH, and no established PVDs contain the subject property within their developed view, the proposed project was determined by staff not to impact scenic views from either PCH or the neighboring parcels (Figure 1).

Project Setting and Surrounding Land Uses

Table 1 provides a summary of the lot dimensions and the lot area of the subject parcel.

Table 1 – Property Data	
Lot Depth	283 ft. 10 in.
Lot Width	165 ft. 10 in.
Gross Lot Area	52,032 sf.
Street Easements	4,974 sf.
1:1 Slopes	0 sf.
Net Lot Area*	47,058 sf.

*Net Lot Area= Gross Lot Area minus the area of public or private street easements and 1:1 slopes.

The subject parcel is located on a public street within the Point Dume community in western Malibu. Portshead Road is an approximately 2,000 ft. long north-south thoroughfare until the street merges into Boniface Drive. The surrounding area that encompasses Portshead Road, including the subject parcel, comprises a mix of developed and undeveloped lots and commercial buildings that are zoned RR-1 and Commercial Neighborhood (CN). The subject parcel is identified as Lot 6 in the tract map and as mentioned, is currently developed with an existing single-family residence, guest house and detached garage. The subject parcel is not in a designated Environmentally Sensitive Habitat Area (ESHA) or ESHA buffer as shown on the LCP ESHA and Marine Resources Map. Consistent with the criteria in LIP Section 4.6.1(A), proposed development is located on slopes flatter than 4 to 1 (25 percent).

Table 2 below provides a summary of the neighboring surrounding land uses.

Table 2 – Surrounding Land Uses				
Direction	**Address**	**Size**	**Zone**	**Land Use**
Subject Parcel	6608 Portshead Road	52,032 sf.	RR-1	Single-family Residential
North	28930 Hampton Pl	13,616 sf.	RR-1	Single-family Residential
	28910 Hampton Pl	17,346 sf.	RR-1	Single-family Residential
	28890 Hampton Pl	18,998 sf.	RR-1	Single-family Residential
	28870 Hampton Pl	14,693 sf.	RR-1	Single-family Residential
	28990 Pacific Coast Hwy	70,149 sf.	CN	Commercial
East	28943 Selfridge Drive	99,902 sf.	RR-1	Single-family Residential
South	6622 Portshead Road	48,022 sf.	RR-1	Single-family Residential
West	6585 Portshead Road	63,401 sf.	RR-1	Single-family Residential

Administrative Permits Applicability (LIP Sections 13.13 and 13.29)

The Community Development Director may process ACDPs in accordance with LIP Section 13.13 if the proposed project is: A) not appealable as defined in LIP Chapter 2 and the project is for any of the uses specified: (1) improvements to any existing structure; (2) any single-family dwelling; (3) lot mergers; (4) any development of four dwelling units or less that does not require demolition, and any other developments not in excess of $100,000.00, other than any division of land; 5) water wells; and 6) driveways or access road improvements required by the fire department to improve access to properties damaged or destroyed as part of the Woolsey Fire that do not meet the criteria for a de minimis waiver; or B) is appealable as defined in LIP Chapter 2 and the project is for an attached or detached second dwelling unit. In accordance with Section 13.29, the Community Development Director may also process applications for a new OWTS, replacement of a failed OWTS, or an upgrade to an existing OWTS in the same manner as ACDPs.

The project consists of improvements to three existing structures and an installation of a new OWTS on a parcel that is not located in the CCC Appeal Jurisdiction. Therefore, pursuant to LIP Sections 13.13 and 13.29, the project can be processed administratively.

Application Processing

The following summarizes processing of the ACDP application and noticing:

- ACDP Application Date: October 1, 2019
- Posting of Property: September 10, 2026
- Completeness Determination: September 16, 2026
- Notice of Application Mailer (Attachment 2): October 1, 2026
- Notice of Decision Mailer (Attachment 2): October 22, 2026
- Issuance of Revised ACDP: November 10, 2026
- Planning Commission Reporting: November 16, 2026
- Local Appeal Period to City Council: November 12, 2026 through November 20, 2026

LCP Analysis

The LCP consists of the Land Use Plan (LUP) and the LIP. The LUP contains programs and policies implementing the Coastal Act in Malibu. The LIP contains provisions to carry out the policies of the LUP to which every project requiring a ACDP must adhere. There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality, and 5) OWTS. These chapters are discussed in the LIP Conformance Analysis section.

The nine remaining LIP chapters do contain required findings: 1) CDP; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. For the reasons described in this report, including the project site, the scope of work and substantial evidence in the record, only the findings in the following chapters are applicable to the project: CDP; and Hazards. These chapters are discussed in the LIP Findings section, including findings for the requested SPR and DP pursuant to the Malibu Municipal Code (MMC).

LIP Conformance Analysis

The proposed project has been reviewed by the Planning Division, City Biologist, City Environmental Health Division, City Public Works Department, City geotechnical consultant reviewers, and the Los Angeles County Waterworks District No. 29 (WD29). The review sheets are attached hereto as Attachment 3. The project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals, and policies.

Zoning (LIP Chapter 3)

The project is subject to development and design standards set forth in LIP Sections 3.5 and 3.6. Table 3 below provides a summary of the applicable standards for the proposed development and whether the project complies with those standards. For ease of reference, additional development standards from other LIP chapters are incorporated into Table 3 below. This includes the Point Dume site of development standard in LIP Section 4.6.1(A).

Table 3 – LCP Non-Beachfront Zoning Conformance			
Development Requirement	**Allowed/ Required**	**Proposed**	**Comments**
SETBACKS (ft. in.)			
Front Yard (less of 20% or 65 ft.)	56’ 9” (min.)	64’ 3”	Complies
Rear Yard	42’ 7” (min.)	111’ 4”	Complies
Side Yard (10% - Minimum)	16’ 7” (min.)	39’ 11”	Complies
Side Yard (25% - Cumulative)	41’ (min.)	18’ 0”	Complies
Height (ft.)	18’ (max.)	18’	Complies
Residence	18’	13’ 3”	Complies
Detached Garage	18’	18’ 2”	*SPR No. 26-035*
TDSF (sf.)	7,208 (max.)	4,703	Complies
Residence	--	3,443	
Detached Garage	--	1,260	
IMPERMEABLE COVERAGE (sf.)	14,117 (max.)	9,068	Complies
SITE OF DEVELOPMENT	4 to 1 or less	Flatter than 4 to 1	Complies

Grading (LIP Chapter 8)

LIP Section 8.3 ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards (c.y.) for a residentially zoned parcel. The proposed project does not propose any non-exempt grading during construction. The project complies with the grading requirements set forth under LIP Section 8.3.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures to be followed to determine potential impacts on archaeological resources. A Phase I Archaeological Survey was prepared by Robert J. Wlodarski of the Historical Environmental Archaeological Research Team (H.E.A.R.T.) for the subject parcel in September 2018. No indication of prehistoric or historic archaeological resources was yielded in the project area. Therefore, the proposed development within the project area is not anticipated to have adverse impacts on known cultural resources. Nevertheless, conditions of approval are included in the resolution stating that in the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources, and until the Community Development Director can review this information.

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the proposed project for conformance to LIP Chapter 17 requirements for water quality protection. Standard conditions of approval are added to the project, such as implementation of approved storm water management plans during construction activities and management of runoff from the development, including recordation of a water quality mitigation plan, and best management

practices. With the implementation of these conditions, the project conforms to the water quality protection standards of LIP Chapter 17.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The project proposes a new OWTS to serve the existing residence, which includes a 3,634-gallon MicroSepTec ES12 treatment tank with an ultraviolet disinfection unit, two primary seepage pits, and two reserve pits to meet 100 percent expansion requirements. The OWTS has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the LCP and MMC (Attachment 3). Required conditions of approval are included to ensure continued operation, maintenance, and monitoring of onsite facilities.

ACDP Findings

The project, as proposed and conditioned, has been determined to be consistent with all applicable LCP goals and policies. Based on the foregoing evidence contained within the record and pursuant to LIP Section 13.13, the Community Development Director hereby makes the following findings of fact.

A. General Coastal Development Permit (LIP Section 13.9)

LIP Section 13.9 requires that the following four findings be made for all CDPs.

1. The project as described in the application and accompanying materials, and as modified by any conditions of approval, conforms to the certified City of Malibu Local Coastal Program.

The project is located in the RR-1 zoning district, an area designated for rural residential uses. Uses associated with residential development are permitted uses. The Planning Division, City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, the City Public Works Department, and WD29 reviewed the proposed project for conformance with the LCP and MMC. As discussed herein, based on submitted reports, project plans, and site investigations, the proposed project, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards, inclusive of the SPR.

2. If the project is located between the first public road and the sea, the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

The subject parcel is not located between the first public road and the sea. The project conforms to the public access and recreation policies of the Coastal Act.

3. The project is the least environmentally damaging alternative.

There is no evidence that an alternative project would substantially lessen any potential significant adverse impacts of the development on the environment. The proposed project consists of improvements to an existing single-family residence and associated development consistent with the RR-1 land use and zoning designations. Adjacent parcels to the north, east, south, and west are developed with similar single-family residences. The Planning Division, City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, the City Public Works Department, and WD29 reviewed the proposed project for conformance with the LCP and MMC, and these specialists found the project meets all applicable development standards for residential development. The proposed project, as conditioned, will comply with all applicable requirements of State and local law.

An alternate location for development could be considered; however, the proposed project has been sited on the subject parcel to comply with site of development requirements within Point Dume. Alternative locations were considered; however, they would require additional grading and result in increased TDSF and impermeable area. Re-siting the proposed project was not found to offer significant environmental advantages, given no significant impacts are anticipated as a result of the proposed project and the proposed residence complies with all LCP required standards including height, setbacks, TDSF, and impermeable coverage, inclusive of the SPR.

4. The project is not located in or adjacent to an environmentally sensitive habitat area (ESHA) pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay).

The subject parcel is not in a designated ESHA or ESHA buffer as shown on the LCP ESHA and Marine Resources Map or was determined to be ESHA pursuant to information provided by the applicant and review conducted by the City Biologist. Consistent with the criteria in LIP Section 4.6.1(A), proposed development is located on slopes flatter than 4 to 1 (25 percent). Therefore, Environmental Review Board review was not required, and this finding does not apply.

B. Site Plan Review No. 26-035 from LIP Section 3.6(E)(1) for Structure Height Above 18 feet in Height (LIP Section 13.27)

LIP Section 3.6(E) limits the height of structures to 18 ft., unless findings for a SPR can be made to authorize height up to 24 ft. with flat roof. The applicant is requesting SPR No. 26-035 to allow the detached garage to exceed 18 ft. up to 18 ft., 2 in. LIP Section 13.27.5(A) requires that the City make four findings in consideration and approval of a site plan review. Seven additional findings are required pursuant to MMC Section 17.62.040(D) for an SPR. Based on the foregoing evidence contained in the record, the required findings for SPR No. 26-035 are made as follows:

1. The project is consistent with policies and provisions of the Malibu LCP.

As described in Finding A.1, the proposed project has been reviewed for all relevant policies and provisions of the LCP, and the proposed project, as designed, is consistent with all applicable development and design standards of the LCP. The proposed use is allowed within the RR-1 residential zone and consistent with privileges enjoyed by other parcels in the vicinity and under the identical or similar rural residential zoning classification as the subject parcel.

2. The project does not adversely affect neighborhood character.

SPR No. 26-035 would allow the detached garage to reach a maximum of 18 ft., 2 in. in height with a pitched roof. The project site is currently developed with an existing single-family residence with a detached guest house and garage; the proposed project complies with the size, height, location, grading and residential development standards of the LCP and MMC consistent with the RR-1 zoning designation inclusive of the SPR. The subject parcel is located in a developed residential neighborhood and surrounding development consists of one- and two-story single-family residences, with accessory development. The parcel's topography per the color-coded slope analysis, notes the entire parcel to be 4 to 1 slopes or flatter with adjacent parcels exhibiting similar characteristics. The project is set directly onto the existing building pad and will not create new visual impacts either from or to PCH.

Staff conducted an analysis of surrounding property characteristics in order to assess the project with regard to neighborhood character. The subject parcel is a rectangularly-shaped lot within an established residentially developed neighborhood. Los Angeles County Assessor (LACA) data was used to reference the size of the main residences within the vicinity of the project site. Based on this data, as shown in Table 4 below, the proposed

residence is not larger than the surrounding residences, and is similar to the average of the 8 properties surveyed in Table 4.

Table 4 – Surrounding Neighborhood Character

Direction	Address	Building Size	Number of Stories
Subject Parcel	6608 Portshead Road	2,339 sf.	One-story
North	28930 Hampton Pl	3,104 sf.	Two-stories
	28910 Hampton Pl	2,956 sf.	Two-stories
	28890 Hampton Pl	3,104 sf.	Two-stories
	28870 Hampton Pl	2,956 sf.	Two-stories
East	28943 Selfridge Drive	5,755 sf.	One-story
South	6622 Portshead Road	3,696 sf.	One-story
West	6585 Portshead Road	2,504 sf.	Two-stories

3. The project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.

Staff visited the subject parcel after placement of story poles. Based on staff's site visit, it was determined that the proposed additions and remodel will not be visible from any scenic area, scenic road including PCH, or public viewing area. Given the location and design of the proposed project, intervening topography, existing development, and the implementation of conditions of approval for lighting, the residence is not expected to create significant obstructions or encroachments into public views and provides the maximum feasible protection to significant public views as required by LIP Chapter 6.

4. The proposed project complies with all applicable requirements of State and local law.

The proposed project complies with all applicable requirements of State and local law, inclusive of the discretionary request, and is conditioned to comply with any relevant approvals, permits, and licenses from the City of Malibu and other related agencies, such as the LACFD. Construction of the proposed improvements, including the building up to 18 ft., 2 in. for a pitched roof, will comply with all building code requirements and will incorporate all recommendations from applicable City agencies and project consultants.

5. The project is compatible with other development in the adjacent area in relation to size, bulk, and height.

As described in Finding B.2, the proposed project is located in an area with other surrounding residences also comprised of two-stories with similar height and scale. The added height above 18 ft. would be limited to the garage and represents a 2 in. increase. All other structures are less than 18 ft. Based on the evidence on record, the project is compatible with other development in the adjacent area in relation to lot size, building size, bulk, and height.

6. The project will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plant materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.

Per the color-coded slope analysis submitted by the applicant, the entire project site consists of slopes 4 to 1 or flatter. There is no non-exempt grading proposed for this project and the site does not contain ESHA nor is within a mapped ESHA buffer. Therefore, no impacts to natural resources are expected. Further, the height increase above 18 ft. does not impact onsite drainage patterns or natural hydrology beyond what was evaluated for the base project.

7. Remedial grading, if applicable, exceeding 5,000 cubic yards is necessary to mitigate a geotechnical hazard as identified in a certified geotechnical report prepared by a California licensed geologist and reviewed and approved by the city geologist. The remedial grading will not result in a significant adverse impact on visual or biological resources.

The project does not propose remedial grading; therefore, the finding does not apply.

8. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

Based on the visual impact analysis (aerial photographs, site visits and story pole placement), staff has determined that the portions of the detached garage above 18 ft. in height are not expected to obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17). The property at 28935 Selfridge Drive which is west from the subject property contains an established PVD. However, the PVD does not contain any portion of the subject property within it's established view which is oriented on a 180 degree plane looking westward, away from the subject property.

9. That the project does not affect solar access, as defined by staff.

Given the project site's context, the properties immediately to the west and east exceed the height of the proposed single-family residence. Therefore, increasing the structure's height from 18 feet to 18 feet, 2 in. would not adversely affect the adjacent parcels. Additionally, the proposed flat roof design would accommodate the installation of the solar panels without constraint.

10. The project is consistent with the City's general plan, local coastal program, municipal code, and city standards.

As described in Findings A.1 to A.4, the proposed project is consistent with the LCP in that the project is located in an area that has been identified for residential use. The goals and policies of the General Plan intend to maintain rural character in this area, and the proposed project is consistent with the development standards set forth to implement this goal. The proposed residence incorporates siting and design measures intended to minimize visual impacts and landform alteration by integrating the structure into the descending topography from Portshead Road. The grading and site design are consistent with adjacent properties, where residences are similarly situated into the flat terrain south of Pacific Coast Highway. The proposed project, as designed, is consistent with the applicable land use designation and is consistent with all applicable development and design standards of the LCP, General Plan, and MMC.

11. A seawall, bulkhead, or other shoreline protective devices (if applicable) is necessary to protect an existing structure and/or an existing or new sewage disposal system as identified in a certified coastal engineering report prepared by a California licensed engineer and reviewed and approved by the city's coastal engineer.

The project does not include a seawall, bulkhead, or other shoreline protective device. Therefore, this finding does not apply.

C. Environmentally Sensitive Habitat Area (LIP Chapter 4)

The subject parcel is not in a designated ESHA or ESHA buffer as shown on the LCP ESHA and Marine Resources Map or was determined to be ESHA pursuant to information provided by the applicant and review conducted by

the City Biologist. Consistent with the criteria in LIP Section 4.6.1(A), proposed development is located on slopes flatter than 4 to 1 (25 percent). Therefore, the findings of LIP Section 4.7.6 are not applicable.

D. Native Tree Protection (LIP Chapter 5)

There are no native trees on or adjacent to the subject parcel. Therefore, the findings of LIP Chapter 5 are not applicable.

E. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

The Scenic, Visual and Hillside Resource Protection Chapter governs those CDP applications concerning any parcel of land that is located along, within, or provide views to or is visible from any scenic area, scenic road or public viewing area. The project site is not visible from the nearest scenic road, Pacific Coast Highway, nor does the project create any new visual impacts to impressive views of the Pacific Ocean or Santa Monica Mountain. Therefore, the findings of LIP Chapter 6 are not applicable.

F. Transfer of Development Credits (LIP Chapter 7)

The proposed project does not include a land division or multi-family development. Therefore, the findings of LIP Chapter 7 are not applicable.

G. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards listed in LIP Section 9.2(A) must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project has the potential to create adverse impacts upon site stability or structural integrity. The proposed project has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Division, City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, and WD29. The required findings are made as follows.

1. The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons.

Geologic Hazards

Analysis for potential hazards included review of the submitted geotechnical reports prepared by Land Phases, Inc. dated July 22, 2025, CalWest Geotechnical, Inc. dated July 24, 2025, and EPD Consultants, dated July 24, 2025. The referenced reports evaluated site-specific conditions and recommendations, and are provided to address any pertinent issues. The reports conclude that the project site is not located in a hazard zone, except that the project site is located within an extreme fire hazard area. Review of the project plans and associated geotechnical reports by the City Environmental Health Administrator, City Public Works Department, and City geotechnical consultant reviewers determined that adverse impacts associated with the project site related to the proposed development are not expected. The proposed project will neither be subject to nor increase the instability from geologic, flood, or fire hazards. In summary, the proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer's recommendations and governing agency's building codes are followed. As conditioned, all recommendations of the City geotechnical consultant reviewers and City Public Works Department shall be incorporated into the final design and construction. Final plans shall be reviewed and approved by the City geotechnical consultant reviewers and City Public Works Department prior to the issuance of a grading permit.

Flood Hazards

Based upon review of the Flood Risk and Vulnerability Maps prepared by the City Public Works Department and based on FEMA mapping, the subject parcel is at the lowest risk for flooding.

Fire Hazards

The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone, a zone defined by a more destructive behavior of fire and a greater probability of flames and embers threatening buildings. The subject parcel is currently subject to wildfire hazards. The proposed development is not expected to increase the subject parcel's susceptibility to wildfire. The scope of work proposed as part of this application is not expected to have an impact on wildfire hazards. The proposed development may actually decrease the site's susceptibility to wildfire due to required fuel modification and the use of appropriate building materials during construction.

The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has "mutual aid agreements" with cities and counties throughout the state so that additional personnel and fire-fighting equipment can augment the LACFD. A condition of approval is included which requires that the property owner indemnify and hold the City harmless for wildfire hazards.

2. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required project modifications, landscaping or other conditions.

As described in Finding G.1, the project as designed, conditioned, and approved by the City geotechnical consultants and the City Public Works Department, does not have any significant adverse impacts on the site stability or structural integrity from geologic, flood, or fire hazards due to the project design.

3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As described in Finding A.3, the project, as proposed and conditioned, is the least environmentally damaging alternative.

4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Division, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical consultant reviewers, and WD29. It has been determined that the proposed project does not impact site stability or structural integrity. As described in Finding A.3, there are no feasible alternatives to development.

5. Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified Malibu LCP.

As described in Finding A.3, the proposed project, as designed and conditioned, is the least environmentally damaging alternative and no adverse impacts to sensitive resources are anticipated as the subject parcel is not in a designated ESHA and the project site is consistent with the site of development standard in LIP Section 4.6.1(A).

H. Shoreline and Bluff Development (LIP Chapter 10)

The subject parcel is not located on or along the shoreline, a coastal bluff, or bluff top fronting the shoreline. Therefore, the findings of LIP Chapter 10 are not applicable.

I. Public Access (LIP Chapter 12)

In accordance with LIP Section 12.6(B)(2), the project is exempt from providing public lateral, vertical, bluff top, trail or recreational access for the following reasons:

A. Lateral and Vertical Access – The project is not located on or adjacent to a shoreline.
B. Blufftop Access – The project is not located on a blufftop.
C. Trail Access – There are no trails of any kind within the vicinity of this project that will be affected by this development.
D. Recreational Access – The project site does not include any existing or planned public recreational areas and does not extend onto or impede upon existing recreational access; therefore no condition for recreational access is required by the LCP.

No potential project-related or cumulative impacts on public access and/or recreation are anticipated to result from the proposed project. The proposed project conforms to the public access and recreational policies in Chapter 3 of the Coastal Act. Therefore, the requirement for public access in LIP Section 12.4 does not apply and further findings are not required.

J. Land Divisions (LIP Chapter 15)

This project does not include a land division. Therefore, the findings of LIP Chapter 15 are not applicable.

K. Demolition Permit Findings (MMC Chapter 17.70)

MMC Section 17.70.060 requires that a demolition permit be issued for projects that result in the demolition of any building or structure. The findings for DP No. 19-039 are made as follows:

1. The demolition permit is conditioned to assure that it will be conducted in a manner that will not create significant adverse environmental impacts.

Conditions of approval, including the recycling of demolished materials, have been included to ensure that the proposed project will not create significant adverse environmental impacts.

2. A development plan has been approved or the requirement waived by the City.

This ACDP application is being processed concurrently with DP No. 19-039, and approval of the demolition permit is subject to the approval of ACDP No. 19-070.

California Environmental Quality Act

Pursuant to the authority and criteria contained in California Environmental Quality Act (CEQA), the Community Development Director has analyzed the proposed project. The Community Development Director found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(e) - New Construction and 15301(e) - Existing Facilities. The Community Development Director has further

determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

APPROVAL OF ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 19-070

Based on the foregoing findings and evidence contained within the record, the Community Development Director hereby approves ACDP No. 19-070, SPR No. 26-035, and DP No. 19-039, subject to the conditions of approval.

Conditions of Approval

Standard Conditions

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

2. Approval of this application is to allow for the project described herein. The scope of work approved includes:

   Demolition

   a. 45 linear feet of an existing 1,800 sf. one-story single-family residence resulting in 22% demolition of exterior walls; and
   b. Removal of existing one-story guest house and incorporating its square footage into the main house via addition.

   Construction

   c. 1,104 square-foot single-story addition to an existing 1,800 square-foot single-family residence, including the demolition and conversion of an existing detached guest house as part of the addition to the existing main house;
   d. After-the-fact 462 sf. addition and remodel to an existing detached garage with a pitched roof;
   e. Installation of an OWTS including a 3,634-gallon treatment tank;
   f. After-the-fact installation of landscaping;
   g. 1,232 sf. of new impermeable surfaces (including building footprint);

   Discretionary Request(s)

   h. SPR No. 26-035 to allow for construction up to 18 ft., 2 in. in height for a pitched roof associated with the detached garage.; and
   i. DP No. 19-039 to demolish the guest house and portions of the existing main residence..

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Division date stamped August 20, 2026. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets

attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Division prior to the issuance of any development permits.

5. The applicant shall digitally submit a complete set of plans to the Planning Division for consistency review and approval prior to plan check and again prior to the issuance of any building.

6. The ACDP shall expire if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the ACDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

7. Any questions of intent or interpretation of any condition of approval will be resolved by the Community Development Director upon written request of such interpretation.

8. All development shall conform to the requirements of the City Community Development Department, City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, and WD29, as applicable. Notwithstanding this review, all required permits shall be secured.

9. Minor changes to the approved plans or the conditions of approval may be approved by the Community Development Director, provided such changes achieve substantially the same results and the project is still in compliance with the LCP and MMC. Revised plans reflecting the minor changes and additional fees shall be required.

10. This permit shall not become effective until the project is reported to the Planning Commission, pursuant to LIP Section 13.13.6.

11. Pursuant to LIP Section 13.20, development pursuant to an approved ACDP shall not commence until the ACDP is effective. The ACDP is not effective until all appeals have been exhausted.

12. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.

13. The property owner shall comply with all provisions of the MMC and LIP.

Cultural Resources

14. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Community Development Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.

15. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Lighting

16. Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:

    a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60-watt incandescent bulb);
    b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
    c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
    d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
    e. Site perimeter lighting shall be prohibited; and
    f. Outdoor decorative lighting for aesthetic purposes is prohibited.

17. Night lighting for sports courts or other private recreational facilities shall be prohibited.

18. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot-candle.

19. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas.

20. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.

21. Motion sensor lights shall be programmed to extinguish ten minutes after activation.

22. No lighting can exceed 18 feet in height except as required by the California building code.

23. Three violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

24. Up-lighting of landscaping is prohibited.

Demolition/Solid Waste

25. Prior to demolition activities, the applicant shall receive Planning Division approval for compliance with conditions of approval.

26. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall.

27. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement a Waste Reduction and Recycling Plan (WRRP) signed by the Owner or Contractor shall be submitted to the Community Development Department for review and approval. The WRRP shall indicate the agreement of the applicant to divert at least 50 percent of all construction waste generated by the project.

28. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.

29. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six-month period. Dust control measures must be in place if construction does not commence within 30 days.

30. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, state, and local regulations.

31. Any building or demolition permits issued for work commenced or completed without the benefit of required permits are subject to appropriate "Investigation Fees" as required in the Building Code.

32. Fifty percent or more of exterior walls must remain in place during construction. Pursuant to LIP Section 13.4.2, the replacement of 50 percent or more of a single-family residence is not repair and maintenance but instead constitutes a replacement structure requiring a CDP. A major remodel agreement acknowledging this shall be required prior to issuance of building permits for the project. Contact Planning Division staff to discuss options PRIOR TO DEMOLITION of more than 50 percent of the existing exterior walls, should any questions or issues concerning exterior wall demolition come up during construction. Demolition of exterior walls will be determined based on LCP Policy 3 (Remodels and Additions). The Policy shall be attached to the final approved construction plans, with a copy of the signed agreement.

33. Upon completion of demolition activities, the applicant shall request a demolition inspection by the Building Safety Division and the Planning Division.

Construction/Framing

34. Prior to the commencement of work, the applicant shall submit a copy of their Construction Management Plan. The Construction Management Plan shall include a dedicated parking location for construction workers and storage of construction material, not within the public right of way unless otherwise approved. Prior to permit issuance, the Construction Management Plan must be acceptable to the Community Development Director and, if applicable, to the Building Official and Public Works Director.

35. A construction staging plan shall be reviewed and approved by the Community Development Director prior to plan check submittal.

36. Construction hours shall be limited to Monday through Friday from 7:00 AM to 7:00 PM and Saturdays from 8:00 AM to 5:00 PM. No construction activities shall be permitted on Sundays or City-designated holidays.

37. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary and their tires rinsed prior to leaving the property.

38. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:

    a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.
    b. Grading activities shall be planned during the southern California dry season (April through October).
    c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.
    d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.

39. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Division for review and sign-off on framing.

40. For the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on state highways, the applicant/property owner is required to obtain a transportation permit from the California Department of Transportation.

Colors and Materials

41. The project is visible from scenic roads or public viewing areas and, therefore, shall incorporate colors and exterior materials that are compatible with the surrounding landscape and the following:

    a. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or light shades and no bright tones. Colors shall be reviewed and approved by the Community Development Director and clearly indicated on the building plans.
    b. The use of highly reflective materials shall be prohibited except for solar energy panels or cells, which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.
    c. All windows shall be comprised of non-glare glass.

42. All driveways shall be a neutral color that blends with the surrounding landforms and vegetation. Retaining walls shall incorporate veneers, texturing, and/or colors that blend with the surrounding earth materials or landscape. The color of driveways and retaining walls shall be reviewed and approved by the Community Development Director and clearly indicated on all grading, improvement and/or building plans.

43. All glass windows and doors shall incorporate the use of ultra-violet coating to minimize reflective glare that results in bird strikes.

Biology/Landscaping

44. No non-native plant species shall be approved greater than 50 feet from the residential structure.

45. Invasive plant species, as determined by the City of Malibu, are prohibited.

46. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).

47. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote or copper arsenate.

48. The landscape and fuel modification plan has been conditioned to protect natural resources in accordance with the LCP. All areas shall be planted and maintained as described in the landscape and fuel modification plan. Failure to comply with the landscape conditions is a violation of the conditions of approval for this project.

49. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan, with native plant species, to the satisfaction of the Community Development Director.

50. All new development including structures, septic systems, or landscaping, shall not encroach on slopes steeper than 4:1.

51. Prior to installation of any landscaping, the applicant shall obtain a plumbing permit for the proposed irrigation system from the Building Safety Division.

52. Prior to a final plan check approval, the property owner /applicant must provide a landscape water use approval from WD29.

53. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 inches. Three violations of this condition will result in a requirement to permanently remove the vegetation from the site.

54. Vegetation in excess of six feet in height shall not obstruct the primary view of existing residences located within a 1,000 ft. radius at any given time (given consideration of its future growth).

55. Plantings required for fuel modification, except for within irrigated Zone A nearest to approved residential structures, must be native, drought-tolerant species and shall blend with the existing natural vegetation and natural habitats on the site.

56. Any site preparation activities, including grading, excavation, and the removal of vegetation, between February 1 and September 15 will require nesting bird surveys by a qualified biologist at least five days prior to initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 ft. (300 ft. for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City within two business days of completing the surveys.

57. The use of wood chips and shredded rubber is prohibited anywhere on the site. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between 5 and 30 ft. from the eave/overhang of a structure with limited application areas. Any mulch materials (excluding wood chips and shredded rubber) are allowed 30 ft. or more from a structure with no limitation on application area.

58. Except as permitted pursuant to the provisions in LUP policies 3.18 and 3.20, throughout the City of Malibu, development that involves the use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade ESHA or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.

Public Works

59. All Best Management Practices (BMP) shall be in accordance with the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

Geology

60. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical consultant reviewers shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City geotechnical consultant reviewers prior to the issuance of a grading permit.

61. Final plans approved by the City geotechnical consultant reviewers shall be in substantial conformance with the approved ACDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require a ACDP amendment or a new ACDP.

Environmental Health

62. Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City's onsite wastewater treatment regulations including provisions of MMC Chapters 15.40, 15.42, 15.44, and LIP Chapter 18 related to continued operation, maintenance, and monitoring of the OWTS.

63. Final OWTS Plot Plan: Prior to final Environmental Health approval, a final OWTS plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the MMC and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The OWTS plot plan shall show essential features of the OWTS and must fit onto an 11-inch by 17-inch sheet leaving a five-inch margin clear to provide space for a City applied legend. If the scale of the plans is such that

more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).

64. Final OWTS Design Report, Plans, and System Specifications: If the OWTS design and/or bedroom/drainage fixture unit counts are modified in any way subsequent to the Planning-stage review, then a final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components (i.e., alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed OWTS. For all OWTS, final reports must be signed by a City registered OWTS Designer, and the plans stamped by a California Geologist. The final OWTS design report and construction drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).

65. The final design report shall contain the following information (in addition to the items listed above):

    a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture equivalents, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
    b. Sewage and effluent pump design calculations (as applicable).
    c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
    d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics; and
    e. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by the Environmental Health Administrator). Note: For OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Division.

66. Existing OWTS to be Abandoned: Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the MMC.

67. Worker Safety Note and Abandonment of Existing OWTS: The following note shall be added to the plan drawings included with the OWTS final design: "Prior to commencing work to abandon, remove, or replace the existing Onsite Wastewater Treatment System (OWTS) components, an 'OWTS Abandonment Permit' shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."

68. Proof of Ownership: Proof of ownership of subject property shall be submitted to the Environmental Health Administrator.

69. Operations and Maintenance Manual: An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.

70. Maintenance Contract: A maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed onsite wastewater disposal system after construction shall be submitted. Note only original "wet signature" documents are acceptable.

71. Advanced OWTS Covenant: Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Office of the Los Angeles County Recorder. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the MMC. Said covenant shall be provided by the Environmental Health Administrator.

72. Storm Water Pollution Prevention Plan (SWPP Plan): A SWPP Plan shall be submitted during the plan check stage review. The plan must show the proposed OWTS components.

73. A covenant running with the land shall be executed by the property owner and recorded with the Office of the Los Angeles County Recorder. Said covenant shall serve as constructive notice to any successors in interest that: 1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the Community Development Department.

74. Project Geologist/Geotechnical Consultant Approval: Project Geologist/Geotechnical Consultant final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

75. City Public Works Approval: Public Works final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

76. City Geologist/Geotechnical Approval: City geotechnical consultant reviewer's final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

77. City Biologist Approval: City Biologist's final approval shall be submitted to the Environmental Health Administrator. The City Biologist shall review the OWTS design to determine any impact on ESHA, if applicable.

78. City Planning Approval: City Planning Division final approval of the OWTS plan shall be obtained.

79. Environmental Health Final Review Fee: A final fee in accordance with the adopted fee schedule at the time of the final approval shall be paid to the City for Environmental Health review of the OWTS design and system specification.

80. Operating Permit Application and Fee: In accordance with MMC, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

81. Prior to final Planning Division approval, the property owner shall provide a copy of a valid Operating Permit pursuant to MMC Section 15.44.030 or an Operating Permit application fee receipt.

82. Reference Plans: Reference architectural and grading/drainage plans shall be submitted to Environmental Health during building plan check review of the proposed OWTS. Approvable building plans will show 3 bedrooms and 36 drainage fixture units (DFU) for the main house and 1 bedroom and 9 DFU for the garage/guest house, or as otherwise indicated by the OWTS designer in the final design report. Currently, the floor plans show a 3 bedroom and 39 DFU main house.

83. Any above-ground equipment associated with the installation of the OWTS shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42 inches tall.

Prior to Final Inspection

84. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Community Development Director for review and approval a certificate of completion in accordance with MMC Chapter 17.53. The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 17.53.

85. Prior to or at the time of a Planning final inspection, the property owner/applicant shall submit to the case planner a copy of the plumbing permit for the irrigation system installation that has been signed off by the Building Safety Division.

86. The City Biologist shall inspect the project site and determine that all Planning Division conditions to protect natural resources are in compliance with the approved plans.

87. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

88. The applicant shall request a final Planning Division inspection prior to final inspection by the Building and Safety Division.

Fixed Conditions

89. This ACDP shall run with the land and bind all future owners of the property.

90. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

Appeals and Reporting

LOCAL APPEAL – Pursuant to LIP Section 13.20.1 (Local Appeals), a decision of the Community Development Director may be appealed to the Planning Commission by an aggrieved person by written statement setting forth the grounds for appeal. The appeal period expires on **November 20, 2026 at 4:30 PM.** An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, extension 246.

REPORTING – Pursuant to LIP Section 13.13.6, this permit shall be reported to the Planning Commission and is tentatively scheduled to be reported at the **November 12, 2026,** Regular Planning Commission meeting. Copies of this report will be available at www.malibucity.org/agendacenter and to all those wishing to receive such notification by contacting the Case Planner. This permit will not become effective until completion of the Planning Commission review of the permit pursuant to California Code of Regulations Section 13153.

Please contact Alexander da Silva in the Planning Division at adasilva@malibucity.org and (310) 456-2489 ext. 314, for further information. Copies of all related documents can be reviewed by any interested person during regular business hours.

Date: October 27, 2026

Prepared by:

Alexander da Silva
Associate Planner

Approved by:

Yolanda Bundy, MS, PE, CBO, CFCO
Community Development Director

Attachments:

1. Project Plans
2. Notice of Application Mailer/Notice of Decision Mailer
3. Department Review Sheets

All referenced City Council and Planning Commission records are available for review at http://www.malibucity.org/OnBase

ACCEPTANCE OF CONDITIONS AFFIDAVIT

The undersigned property owner(s) acknowledges receipt of the City of Malibu's decision of approval and agrees to abide by all terms and conditions for **Administrative Coastal Development Permit No. 19-070, dated October 27, 2026, for the project located at 6608 Portshead Drive, Malibu, CA 90265**. The permit and rights conferred in this approval shall not be effective until all property owner(s) signs and returns this notarized affidavit to the City of Malibu Planning Division within ten (10) working days of the decision and/or prior to issuance of any development permit.

_____ _____
Date Signature of Property Owner

_____
Print Property Owner Name

_____ _____
Date Signature of Property Owner

_____
Print Property Owner Name

ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA } SS
County of Los Angeles

On _____ before me, _____,
Date (Insert Name and Title of Notary Public)

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
(Notary Public's signature in and for said County and State) (seal)

6608 Portshead Road
Malibu CA 90265
APN: 4466-019-006

CONSULTANTS

DESIGNER
BARSOCCHINI & ASSOCIATES DESIGNS
3502 Coast View Drive
Malibu, CA 90265
t. 310.456.3625
f. 310.456.7175
Contact: Nick Barsocchini

OWNER
Randal O'Connor, Trustee of The Alecue Trust
6608 Portshead Road
Malibu CA 90265

LANDSCAPING
FIORE PERTTULA LANDSCAPE DESIGN
11529 W.Pico Blvd.
Los Angeles, CA 90064
Info@fp-id.com
t. 424.273.1092

EPD
EPD CONSULTANTS
20722 Main Street
Carson, CA 90745
t. 310.241.6565
f. 310. 241.6566

STRUCTURAL
MARSAY ENGINEERING AND DEVELOPMENT
15445 Ventura Blvd
#25 Sherman Oaks, CA 91403
t. 818.926.7789
marsay.sayat@gmail.com
Contact: Sayat Oruncakciel

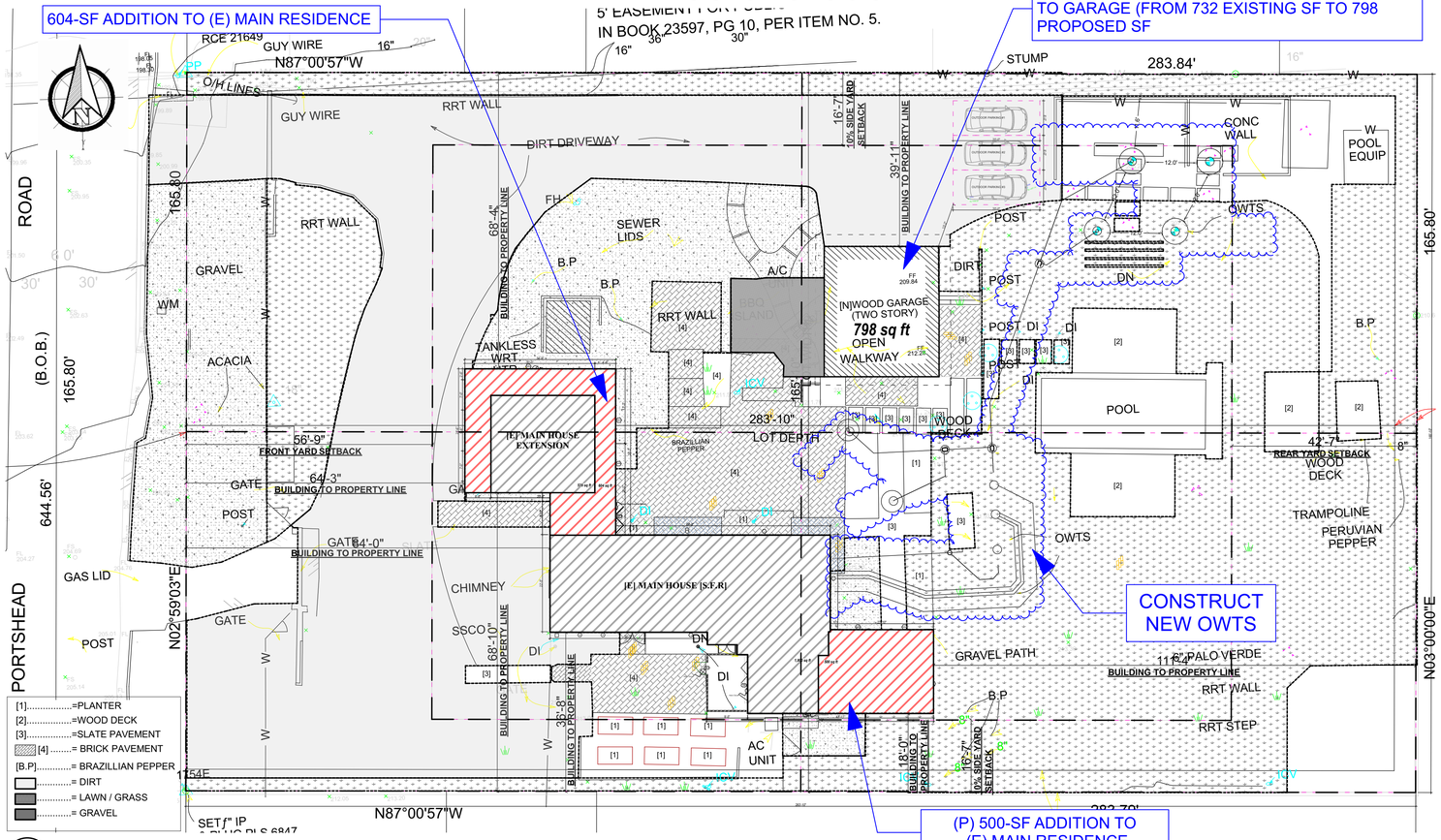
SURVEYOR
LAND AND AIR SURVEY INC.
5312 Derry Ave. Suite V
Agoura Hills, CA 91301
phn 818-879-9879
fax 818-706-3040
info@landandairsurveying.com

PROPERTY INFORMATION
Assessor's ID No:4466-019-006
Address:6608 Portshead Road, Malibu CA 90265
Property Type:Single Family Residential
RECORD OF SURVEY AS PER BK 56 PG 29 TO 32 OF RECORD OF SURVEYS N 165.8O FT EX OF ST OF LOT 61
Building Improvement:1
Year Build / Effective Year Built:1955 / 1980
Bedrooms / Bathrooms:3 / 4
Units:1

SLOPE ANALYSIS
FLATTER THAN 4:1 = 47,058 SQ. FT.
4:1 TO 3:1 = 0.00 SQ. FT.
3:1 TO 2½:1 = 0.00 SQ. FT.
2½:1 TO 1:1 = 0.00 SQ. FT.
1:1 AND STEEPER = 0.00 SQ.FT.
STREET EASEMENT = 0.00 SQ. FT.
GROSS AREA = 47,058 SQ. FT./1.08 ACRES
NET AREA (GROSS MINUS STREET EASEMENTS AND SLOPES 1:1 AND STEEPER = 47,058 SQ. FT./1.08 ACRES

GOVERNING CODES FOR PROPOSED WORKS
Plans Shall Comply with Title 24 and
2023 County of Los Angeles Building Code (CoLABC),
2023 County of Los Angeles Electrical Code (CoLAEC),
2023 County of Los Angeles Plumbing Code (CoLAPC),
2023 County of Los Angeles Mechanical Code (CoLAMC),
2023 County of Los Angeles Residential Code (CoLARC)
2022 California Energy Code (CEC) With Local Amendments, And
2022 California Residential, Building, Mechanical, Electrical, Plumbing and Green Building Standards Codes.

Smoke alarms are required in each sleeping room, outside each separate sleeping area, in the immediate vicinity of the bedrooms and at each additional floor or basement for alterations, repairs and additions.
Carbon Monoxide alarms are required outside of each separate dwelling unit sleeping area in immediate vicinity of the bedroom/s and on every level of a dwelling unit including basements. [R314] & [R315]



A **PROPOSED SITE PLAN**
SCALE: 1/16" = 1'-0"

PROJECT DESCRIPTION (SCOPE OF WORK)
**NEW ON-SITE WASTEWATER TREATMENT SYSTEM, CONNECT A DETACHED ADU TO AN ESFR TO EXPAND THE STRUCTURE'S FOOTPRINT, CREATE ADDITION TO ESFR, AND REMODEL DETACHED GARAGE TO INCLUDE A NEW ADU.*

1. PROPOSED 500 SQ.FT ADDITION TO EXISTING MAIN RESIDENCE.
2. PROPOSED 604 SQ.FT ADDITION TO (E) MAIN RESIDENCE TO CONVERT (E) GUEST HOUSE [#1] TO MAIN RESIDENCE BEDROOM.
3. CONSTRUCT NEW OWTS.
4. NEW ASPHALT SHINGLES [ESR 3150] SEE SHEET[A-3.2] FOR MORE INFORMATION.
5. LEGALIZE AFTER THE FACT ADDITION OF 66 SF TO GARAGE (FROM 732 EXISTING SF TO 798 PROPOSED SF)
6. FULL MASTER BATH REMODEL [MAIN RESIDENCE]
(a). DEMOLISH AND ADD NEW WALLS IN SPECIFIED LOCATIONS.
(b). DEMOLISH WINDOWS AND DOORS IN SPECIFIED LOCATIONS.
(c). ADD NEW WINDOWS AND DOORS IN SPECIFIED LOCATIONS.

Lot Dept = 283'- 10"(283.83')
Lot Width = 165'-10" (165.83')

REQUIRED SETBACK
Front Yard.....= 283.83' x 0.20 = 56.76' (56'-9")
Rear Yard.....= 283.83' x 0.15 = 42.57' (42'-7")
10% Side Yard.= 165.83' x 0.1 = 16.58' (16'-7")

BUILDING DATA
Occupancy Group :.....RR1
Type of Construction :... VB
Sprinklers:.....No
Stories:.....1
Area of Work (sq.ft) :.....3,599 sq.ft

TDSF CALCULATION

* Allowable TDSF.....= 7,208 sq.ft
EXISTING
* [E]Main House.....= 1,800 sq.ft
* [E]Main House Extension.....= 539 sq.ft
* [N]Garage (Ground Floor).....= 798 sq.ft
* [N]Garage (2nd floor Loft).....= 462 sq.ft
* Total Existing .....= 3,599 sq.ft
PROPOSED
* Main House Additions: 604 + 500.= 1,104 sq.ft

* TOTAL [EXISTING + PROPOSED]
3,599 Sq.Ft + 1,104 Sq.Ft = 4,703 Sq.Ft

NOTE : 4,703 sq.ft < Max. TDSF 7,208 sq.ft

MAXIMUM IMPERMEABLE CALCULATION

* Gross Lot Area.....= 52,032 sq.ft
* Net Lot Area .....= 47,058 sq.ft

Percentages:

Up to ¼ acre:	45% of the net area
¼ acre to ½ acre:	35% of the net area
½ acre or more:	30% of the net area UP TO A MAXIMUM OF 25,000 SQUARE FEET PER PARCEL

* Net Lot Area = 47,058 sq.ft x 30% =14,117.4 sq.ft (Max. Impermeable)

Max. Impermeable =14,117.4 sq.ft

* [E]Main House.....= 1,800 sq.ft
* [E]Main House Extension.....= 539 sq.ft
* [N]Garage (Ground Floor).....= 798 sq.ft
* [N]Main.H Additions:604+128+500=1,232 sq.ft
* [E]Pool Wood Deck 1.....= 359 sq.ft
* [E]Pool Wood Deck 2.....= 349 sq.ft
* [E]Pool Wood Deck 3.....= 232 sq.ft
* [E]SHED.....= 135 sq.ft
* [E]Driveway.....= 426 sq.ft
* [E]Walkway 1.....= 400 sq.ft
* [E]Walkway 2.....= 590 sq.ft
* [E]Walkway 3.....= 1,701 sq.ft
* [E]Walkway 4.....= 507 sq.ft
* Total.....= 9,068 sq.ft

NOTE : 9,068 sq.ft < Max. Impermeable 14,117.4 sq.ft



B **VICINITY MAP**
NOT TO SCALE

ATTACHMENT 1

SHEET INDEX

Received
8/20/26
Planning Division

ARCHITECTURAL
A-1.0 COVER SHEET
A-1.1 EXISTING SITE PLAN
A-1.2 EXISTING SITE PLAN
A-1.3 SETBACK CALCULATION
A-1.4 IMPERMEABLE CALCULATION
A-1.5 EXTERIOR LINEAR FEET DEMO CALCULATIONS
A-2.0 EXISTING FLOOR PLANS
A-2.1 DEMOLISHED FLOOR PLANS
A-2.2 PROPOSED FLOOR PLANS
A-3.0 EXISTING ROOF PLANS
A-3.1 PROPOSED ROOF PLANS
A-4.0 EXISITNG ELEVATIONS - [MAIN HOUSE + EXTENSION]
A-4.1 PROPOSED ELEVATIONS - [MAIN HOUSE]
A-5.0 EXISTING AND PROPOSED SECTIONS
A-6.0 EXISTING - DEMOLISHED GARAGE PLANS & ELEVATIONS
A-6.1 PROPOSED GARAGE PLANS & ELEVATIONS
A-7.0 WINDOWS AND DOORS SCHEDULE

STRUCTURAL
GN1 GENERAL NOTES
GN2 GENERAL NOTES
GD1 GENERAL DETAILS
GD1 GENERAL DETAILS
S1 FOUNDATION PLAN
S2 ROOF FRAMING PLAN
S3 DETAILS
S4 DETAILS
S5 DETAILS

LANDSCAPING
L-6.1 LIGHTING PLAN (EXTERIOR)

FIRE DEPT ACCESS PLANS
FD-1 TITLE SHEETS AND NOTES
FD-2 FIRE DEPARTMENT ACCESS PLAN

CIVIL
C1 TITLE SHEET AND NOTES
C2 EXISTNG SURVET PLAN
C3 GRADING AND DRAINAGE PLAN
C4 GRADING AND DRAINAGE DETAILS

REVISIONS	
8-8-2019	TL & BP
[5-8],[6-13],[6-17],[6-24],[6-28],[7-2],[7-15],[10-14],[11-26] - 2024	P.O
3-17-2025	P.O
9-12-2025	P.O
3-19-2026	P.O
4-3-2026	P.O
7-14-2026	P.O
8-14-2026	P.O
8-19-2026	P.O
8-26-2026	P.O

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COVER SHEET

DATE START:	2/8/2022
SCALE:	As Noted
DRAWN BY:	PETER .O
JOB No.:	108589

SHEET
A-1.0

[1].....=PLANTER
[2].....=WOOD DECK
[3].....=SLATE PAVEMENT
[4] .....= BRICK PAVEMENT
[B.P].....= BRAZILLIAN PEPPER
.....= DIRT
.....= LAWN / GRASS
.....= GRAVEL

56.42'
56.42
23.8'
39.4'
38.4'
A.P.N. 4466-019-035
(NOT A PART)
A.P.N. 4466-019-036
(NOT A PART)
5' EASEMENT FOR PUBLIC UTILITIES RECORDED
IN BOOK 23597, PG 10, PER ITEM NO. 5.
D SPK & W
RCE 21649
PP#17799Y
FD 2" IP
RCE 21649
GUY WIRE
N87°00'57"W
16"
36"
30"
20"
30.00'
PP
O/H LINES
CONC
SWALE
GUY WIRE
RRT WALL
DIRT DRIVEWAY
STUMP
W
ROAD
165.80
RRT WALL
GRAVEL
WM
ACACIA
(B.O.B.)
165.80'
644.56'
PORTSHEAD
N02°59'03"E
N02°59'03"E
GATE
POST
GATE
GAS LID
POST
GATE
SLATE
FH
SEWER
LIDS
B.P
B.P
A/C
UNIT
BBQ
ISLAND
RRT WALL
[4]
TANKLESS
WRT.
HTR.
DN
WOOD
GARAGE
(ONE STORY)
ICV
[E] MAIN HOUSE
EXTENSION
539 sq ft
BRAZILLIAN
PEPPER
GATE
[4]
DI
[1]
CHIMNEY
[E] MAIN HOUSE [S.F.R]
SSCO
DN
DI
[3]
GATE
[4]
1,800 sq ft
reconfigured lift Master bedroom lift
Walk in Closet
AC
UNIT
[1] [1] [1]
[1] [1] [1]
ICV
PP#701754E
30.00'
SET ƒ" IP
& PLUG PLS 6847
N87°00'57"W
283.79'
DECK
WOOD
DECK
[3]
[1]
[3]
OWTS
GRAVEL PATH
6" PALO VERDE
RRT WALL
RRT STEP
B.P
8"
8"
8"
18'-0"
ICV
ICV
ICV
DIRT
POST
POST
POST
DI
DI
DI
[3] [3] [3]
[2]
POOL
[2]
[2]
[2]
WOOD
DECK
8"
TRAMPOLINE
PERUVIAN
PEPPER
N03°00'00"E
165.80'
W
W
W
W
W
CONC
WALL
W
POOL
EQUIP
11.6'
12.0'
12.0'
12.0'
12.0'
OWTS
DN
B.P
OUTDOOR PARKING #1
OUTDOOR PARKING #2
OUTDOOR PARKING #3

A-1.1 EXISTING SITE PLAN
SCALE: 3/32" = 1'-0"

Foreman Residence - [8-4-2026].pln , printed on 8/26/2026

REVISIONS	
8-8-2019	TL & BP
[5-8],[6-13],[6-17],[6-24], [6-28],[7-2],[7-15],[10-14], [11-26] - 2024	P.O
3-17-2025	P.O
9-12-2025	P.O
3-19-2026	P.O
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7-14-2026	P.O
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EXISTING SITE PLAN

DATE START:	2/8/2022
SCALE:	As Noted
DRAWN BY:	PETER .O
JOB No.:	108589
SHEET	A-1.1

[1].....=PLANTER
[2].....=WOOD DECK
[3].....=SLATE PAVEMENT
[4] .....= BRICK PAVEMENT
[B.P].....= BRAZILLIAN PEPPER
.....= DIRT
.....= LAWN / GRASS
.....= GRAVEL

56.42'
56.42
23.8'
39.4'
38.4'
A.P.N. 4466-019-035
(NOT A PART)
A.P.N. 4466-019-036
(NOT A PART)
5' EASEMENT FOR PUBLIC UTILITIES RECORDED
IN BOOK 23597, PG 10, PER ITEM NO. 5.
D SPK & W
CE 21649
PP#17799Y
FD 2" IP
RCE 21649
GUY WIRE
N87°00'57"W
16"
36"
30"
20"
30.00'
PP
O/H LINES
CONC
SWALE
GUY WIRE
RRT WALL
DIRT DRIVEWAY
STUMP
W
ROAD
(B.O.B.)
165.80'
165.80
6.0'
30'
30'
RRT WALL
GRAVEL
WM
ACACIA
GATE
POST
GAS LID
PORTSHEAD
644.56'
N02°59'03"E
N02°59'03"E
PP#701754E
30.00'
SET ƒ" IP
& PLUG PLS 6847
N87°00'57"W
283.79'
N03°00'00"E
FH
SEWER
LIDS
B.P
A/C
UNIT
BBQ
ISLAND
DN
WOOD
GARAGE
(TWO STORY)
FF
209.84
OPEN
WALKWAY
FF
212.28
TANKLESS
WRT.
HTR.
ICV
[E] GUEST HOUSE
539 sq ft
BRAZILLIAN
PEPPER
[E] MAIN HOUSE [S.F.R]
1,800 sq ft
CHIMNEY
SSCO
SLATE
AC
UNIT
18'-0"
8"
DIRT
POST
DI
OWTS
CONC
WALL
POOL
EQUIP
12.0'
11.6'
12.0'
12.0'
POOL
WOOD
DECK
TRAMPOLINE
PERUVIAN
PEPPER
GRAVEL PATH
6" PALO VERDE
RRT WALL
RRT STEP
211.81
211.97
211.98
211.73
211.97
212.06
212.57
213.20
212.05

A-1.2 PROPOSED SITE PLAN
SCALE: 3/32" = 1'-0"

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8-19-2026	P.O
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PROPOSED SITE PLAN

DATE START:	2/8/2022
SCALE:	As Noted
DRAWN BY:	PETER .O
JOB No.:	108589

SHEET
A-1.2

LEGALIZE AFTER THE FACT ADDITION OF 66 SF TO GARAGE (FROM 732 EXISTING SF TO 798 PROPOSED SF)

604-SF ADDITION TO (E) MAIN RESIDENCE

Lot Dept = 283'- 10"(283.83')
Lot Width = 165'-10" (165.83')

REQUIRED SETBACK
Front Yard.....= 283.83' x 0.20 = 56.76' (56'-9")
Rear Yard.....= 283.83' x 0.15 = 42.57' (42'-7")
10% Side Yard.= 165.83' x 0.1 = 16.58' (16'-7")

[1].....=PLANTER
[2].....=WOOD DECK
[3].....=SLATE PAVEMENT
[4] .....= BRICK PAVEMENT
[B.P].....= BRAZILLIAN PEPPER
.....= DIRT
.....= LAWN / GRASS
.....= GRAVEL

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8-19-2026	P.O
8-26-2026	P.O

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SETBACK CALCULATIONS

DATE START:	2/8/2022
SCALE:	As Noted
DRAWN BY:	PETER .O
JOB No.:	108589
SHEET	A-1.3

A-1.3 **SETBACK CALCULATIONS - [PROPOSED SITE PLAN]**
SCALE: 3/32" = 1'-0"

TDSF CALCULATION

* Allowable TDSF.....= 7,208 sq.ft

EXISTING

* [E]Main House.....= 1,800 sq.ft
* [E]Main House Extension.....= 539 sq.ft
* [N]Garage (Ground Floor).....= 798 sq.ft
* [N]Garage (2nd floor Loft).....= 462 sq.ft
* Total Existing .....= 3,599 sq.ft

PROPOSED

* Main House Additions: 604 + 500.= 1,104 sq.ft

* TOTAL [EXISTING + PROPOSED]

3,599 Sq.Ft + 1,104 Sq.Ft = 4,703 Sq.Ft

NOTE : 4,703 sq.ft < Max. TDSF 7,208 sq.ft

MAXIMUM IMPERMEABLE CALCULATION

* Gross Lot Area.....= 52,032 sq.ft
* Net Lot Area .....= 47,058 sq.ft

Percentages:

Up to ¼ acre:	45% of the net area
¼ acre to ½ acre:	35% of the net area
½ acre or more:	30% of the net area
	UP TO A MAXIMUM OF 25,000 SQUARE FEET PER PARCEL

* Net Lot Area = 47,058 sq.ft x 30% =14,117.4 sq.ft
(Max. Impermeable)

Max. Impermeable =14,117.4 sq.ft

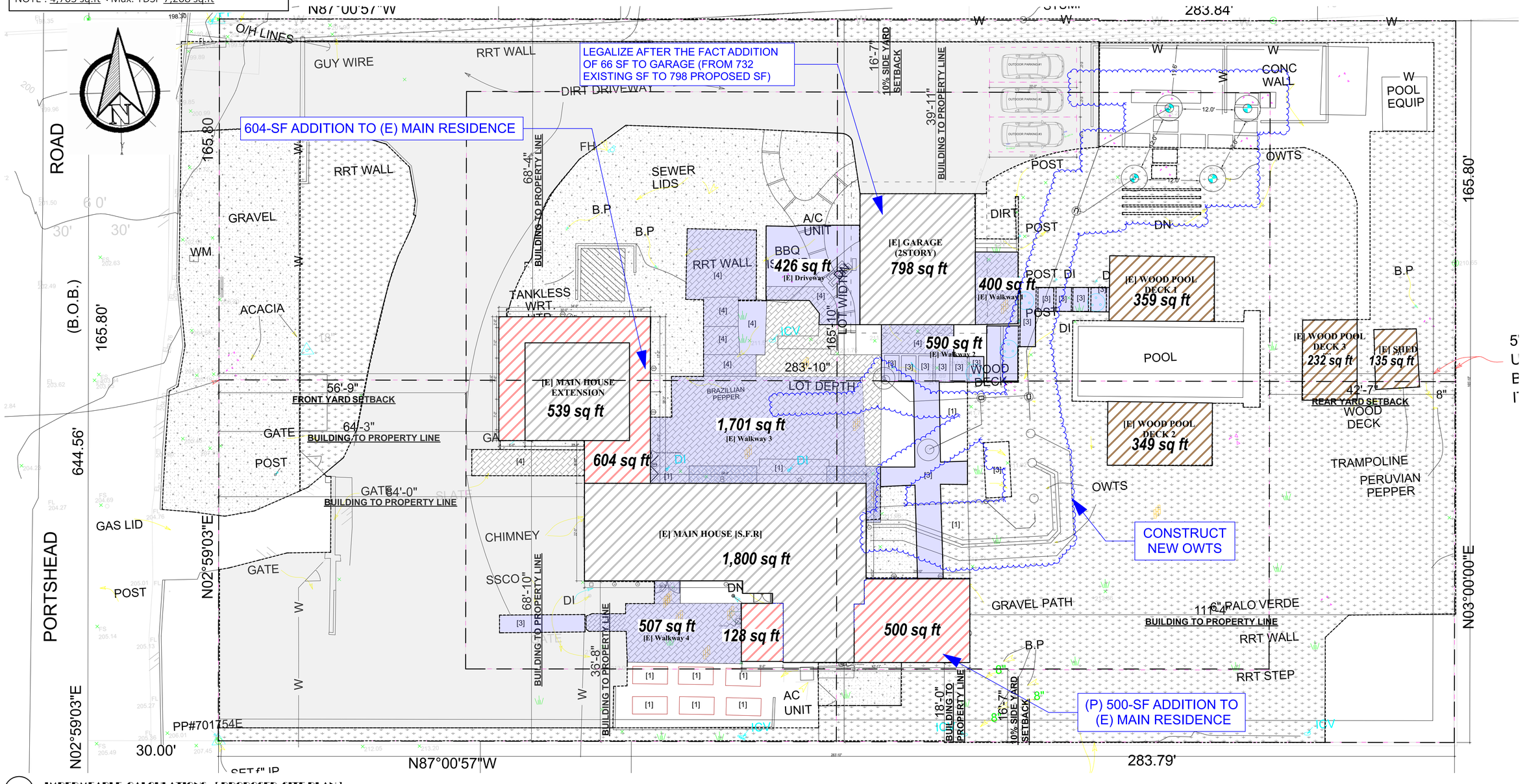
* [E]Main House.....= 1,800 sq.ft
* [E]Main House Extension.....= 539 sq.ft
* [N]Garage (Ground Floor).....= 798 sq.ft
* [N]Main.H Additions:604+128+500=1,232 sq.ft
* [E]Pool Wood Deck 1.....= 359 sq.ft
* [E]Pool Wood Deck 2.....= 349 sq.ft
* [E]Pool Wood Deck 3.....= 232 sq.ft
* [E]SHED.....= 135 sq.ft
* [E]Driveway.....= 426 sq.ft
* [E]Walkway 1.....= 400 sq.ft
* [E]Walkway 2.....= 590 sq.ft
* [E]Walkway 3.....= 1,701 sq.ft
* [E]Walkway 4.....= 507 sq.ft
* Total.....= 9,068 sq.ft

NOTE : 9,068 sq.ft < Max. Impermeable 14,117.4 sq.ft

Lot Dept = 283'- 10"(283.83')
Lot Width = 165'-10" (165.83')

REQUIRED SETBACK
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10% Side Yard.= 165.83' x 0.1 = 16.58' (16'-7")

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[2].....=WOOD DECK
[3].....=SLATE PAVEMENT
[4] .....= BRICK PAVEMENT
[B.P].....= BRAZILLIAN PEPPER
.....= DIRT
.....= LAWN / GRASS
.....= GRAVEL



A-1.4 **IMPERMEABLE CALCULATIONS - [PROPOSED SITE PLAN]**
SCALE: 3/32" = 1'-0"

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REVISIONS	
8-8-2019	TL & BP
[5-8],[6-13],[6-17],[6-24],[6-28],[7-2],[7-15],[10-14],[11-26] - 2024	P.O
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3-19-2026	P.O
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7-14-2026	P.O
8-14-2026	P.O
8-19-2026	P.O
8-26-2026	P.O

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IMPERMEABLE CALCULATIONS

DATE START:	2/8/2022
SCALE:	As Noted
DRAWN BY:	PETER .O
JOB No.:	108589

SHEET
A-1.4

GUEST HOUSE

TOTAL EXTERIOR LINEAR FEET	DEMO EXTERIOR LINEAR FEET
24'-0"	22'-6"
22'-6"	9'-1"
24'-0"	22'-6"
22'-6"	24'-0"
93'-0"	78'-1"

TOTAL EXTERIOR LINEAR FEET .....= 93'-0" [93.00']

TOTAL EXTERIOR DEMO LINEAR FEET.....=78'-1" [78.08']

(78.08' / 93.00') X 100 = 83.96%

= demolished Walls (exterior)

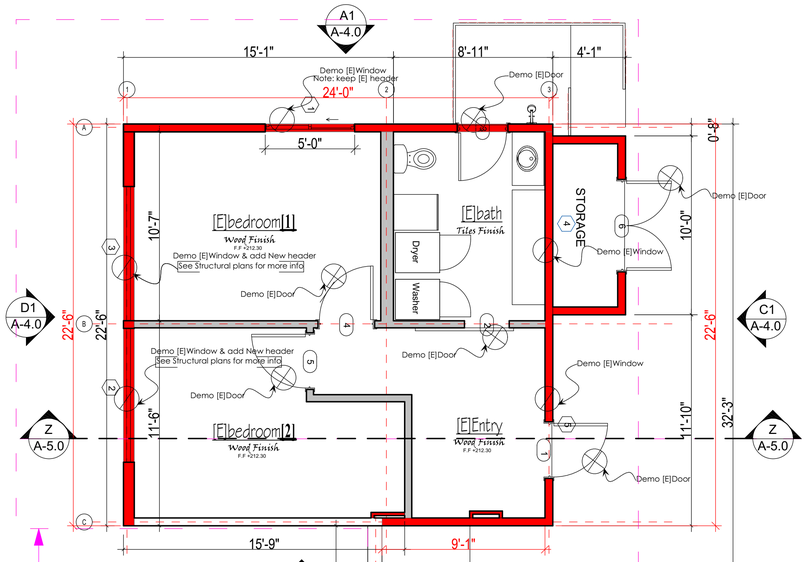
= demolished Walls (interior)

= Existing Walls

= Relocation/Alteration of windows

= Relocation/Alteration of doors

= Concrete Paved Landing



TOTAL EXTERIOR LINEAR FEET .....= 211'-3" [211.25']

TOTAL EXTERIOR DEMO LINEAR FEET.....= 46'-8" [46.7']

(46.7' / 211.25') X 100 = 22.1%

MAIN HOUSE

TOTAL EXTERIOR LINEAR FEET	DEMO EXTERIOR LINEAR FEET
64'-8"	18'-8"
41'-2"	10'-8"
2'-5"	3'-0"
16'-3"	14'-4"
13'-7"	
2'-4"	
2'-10"	
45'-7"	
22'-5"	
211'-3"	46'-8"

A-1.5 **EXTERIOR LINEAR FEET DEMO CALCULATIONS - [DEMOLISHED FLOOR PLANS]**
SCALE: 1/4" = 1'-0"

REVISIONS	
8-8-2019	TL & BP
[5-8],[6-13],[6-17],[6-24], [6-28],[7-2],[7-15],[10-14], [11-26] - 2024	P.O
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8-19-2026	P.O
8-26-2026	P.O
10-14-2026	P.O
11-2-2026	P.O

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Malibu CA 90265
APN: 4466-019-006

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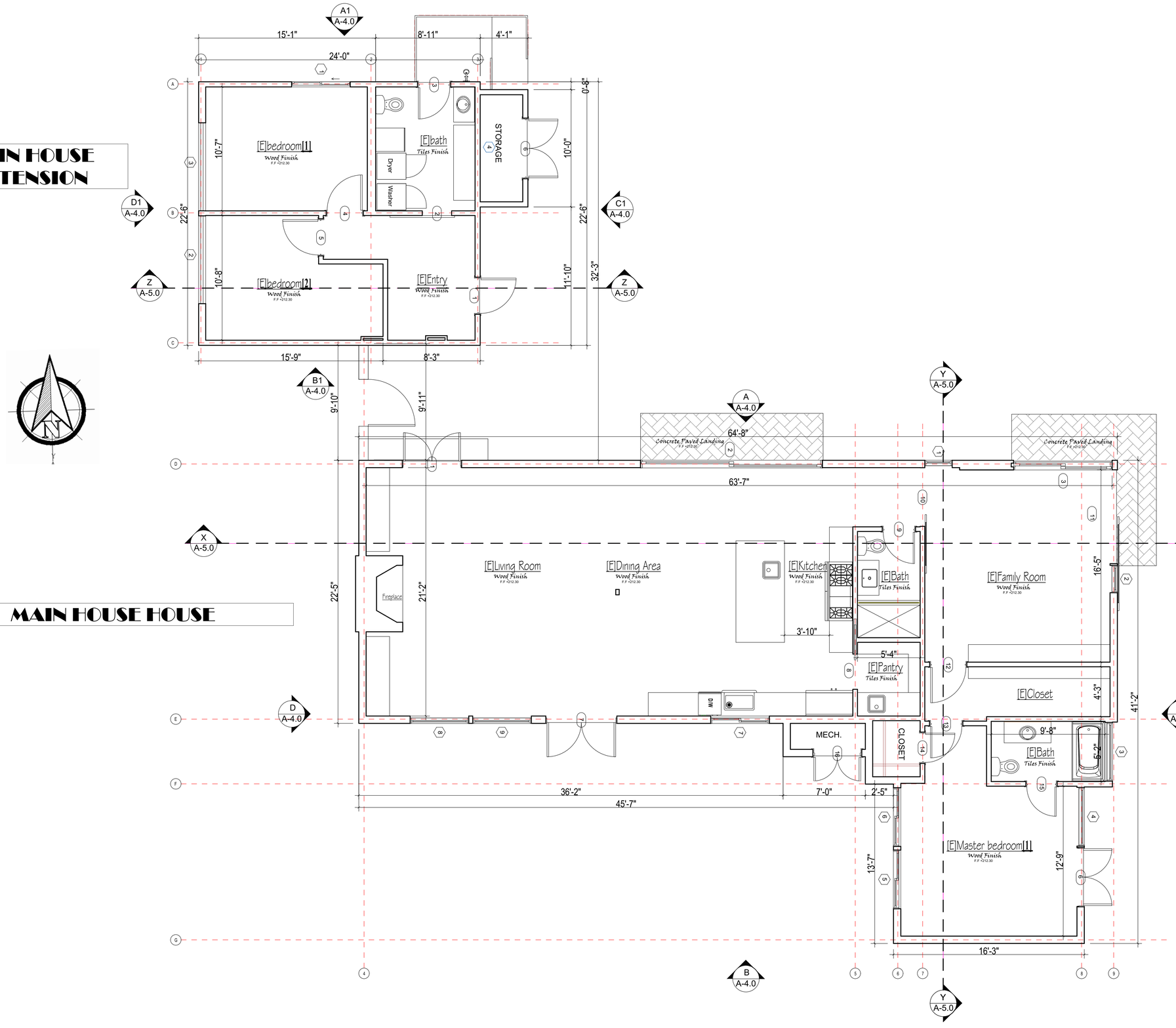
EXTERIOR LINEAR FEET DEMO CALCULATIONS

DATE START:	2/8/2022
SCALE:	As Noted
DRAWN BY:	PETER .O
JOB No.:	108589

SHEET
A-1.5

MAIN HOUSE EXTENSION

MAIN HOUSE HOUSE



A EXISTING FLOOR PLANS
SCALE: 1/4" = 1'-0"

REVISIONS	
8-8-2019	TL & BP
[5-8],[6-13],[6-17],[6-24],[6-28],[7-2],[7-15],[10-14],[11-26] - 2024	P.O
3-17-2025	P.O
9-12-2025	P.O
3-19-2026	P.O
4-3-2026	P.O
7-14-2026	P.O
8-14-2026	P.O
8-19-2026	P.O
8-26-2026	P.O

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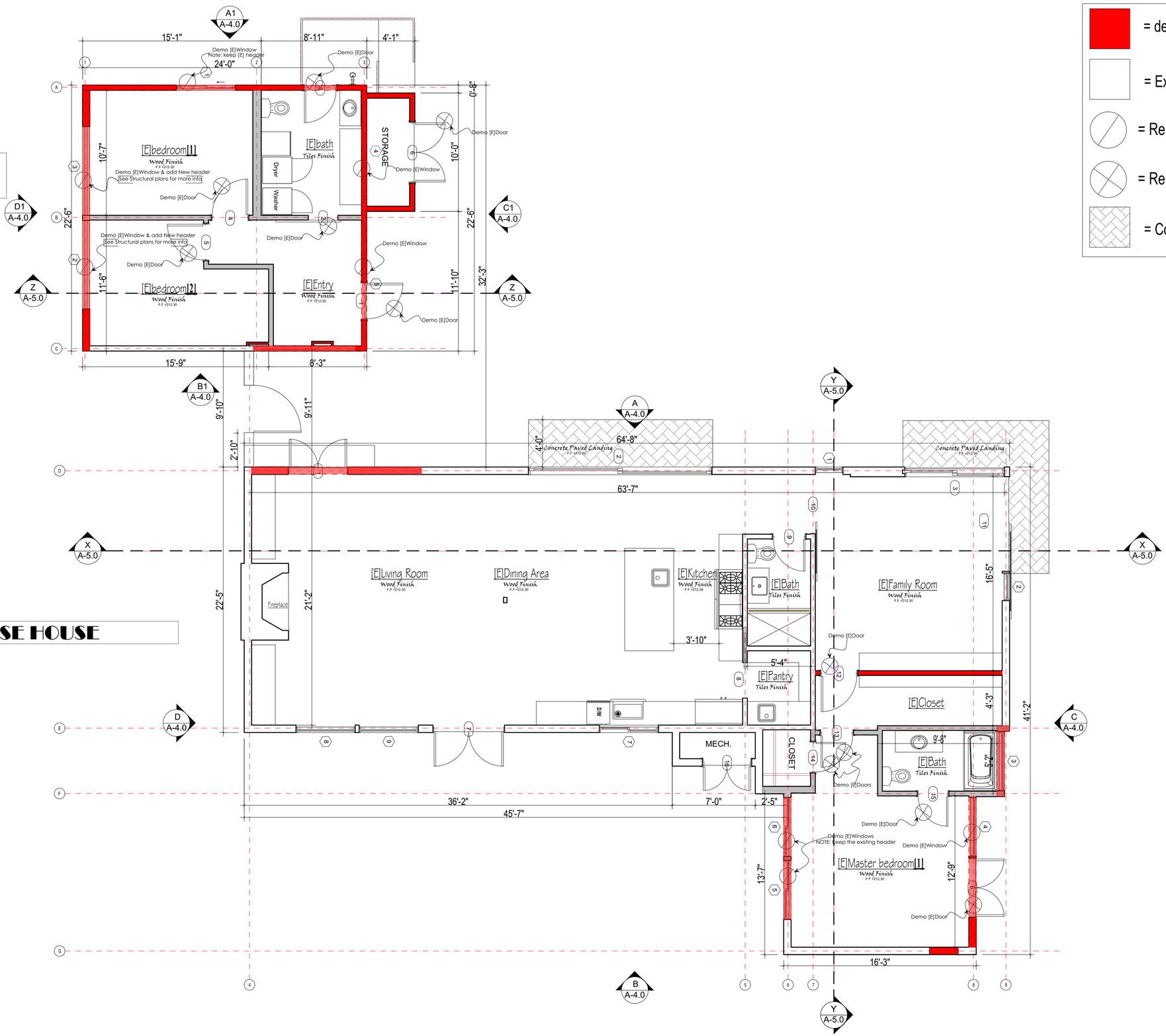
EXISTING FLOOR PLANS

DATE START:	2/8/2022
SCALE:	As Noted
DRAWN BY:	PETER .O
JOB No.:	108589

SHEET
A-2.0

MAIN HOUSE EXTENSION

MAIN HOUSE HOUSE



REVISIONS	
8-8-2019	TL & BP
[5-8],[6-13],[6-17],[6-24], [6-28],[7-2],[7-15],[10-14], [11-26] - 2024	P.O
3-17-2025	P.O
9-12-2025	P.O
3-19-2026	P.O
4-3-2026	P.O
7-14-2026	P.O
8-14-2026	P.O
8-19-2026	P.O
8-26-2026	P.O

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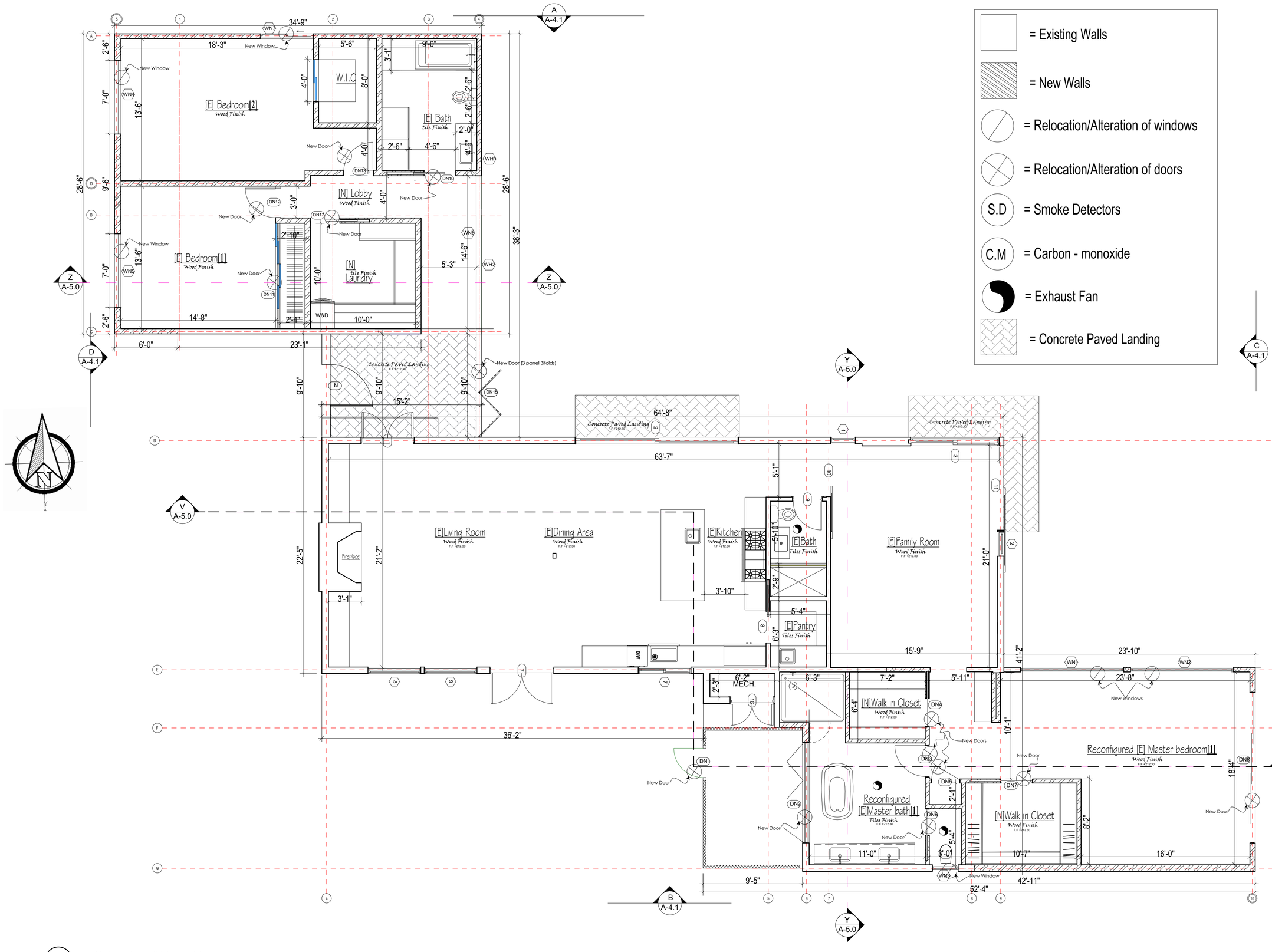
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DEMOLISHED FLOOR PLANS

DATE START:	2/8/2022
SCALE:	As Noted
DRAWN BY:	PETER .O
JOB No.:	108589

SHEET
A-2.1

A-2.1 DEMOLISHED FLOOR PLANS
SCALE: 1/4" = 1'-0"



REVISIONS	
8-8-2019	TL & BP
[5-8],[6-13],[6-17],[6-24], [6-28],[7-2],[7-15],[10-14], [11-26] - 2024	P.O
3-17-2025	P.O
9-12-2025	P.O
3-19-2026	P.O
4-3-2026	P.O
7-14-2026	P.O
8-14-2026	P.O
8-19-2026	P.O
8-26-2026	P.O

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PROPOSED FLOOR PLANS

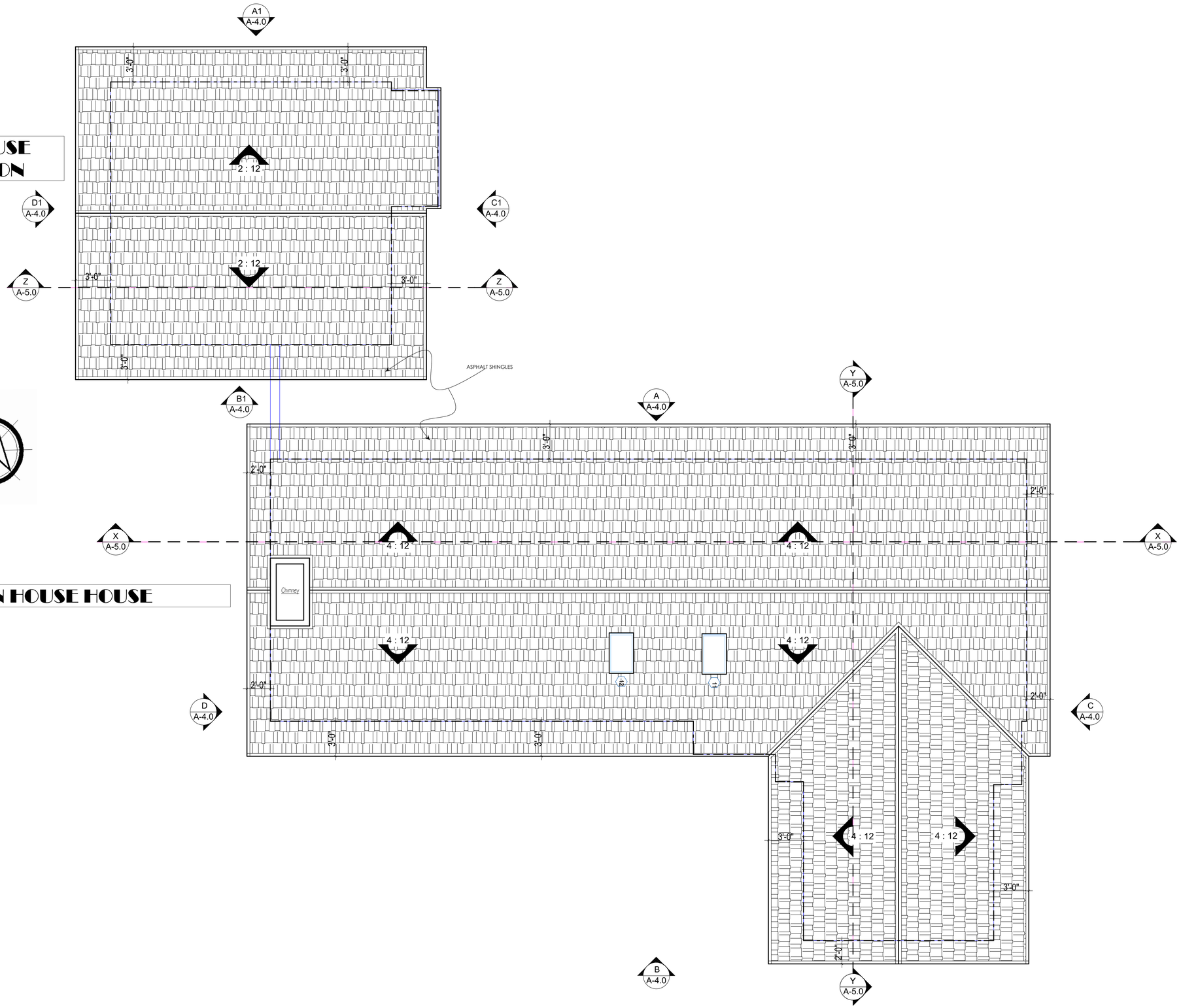
DATE START:	2/8/2022
SCALE:	As Noted
DRAWN BY:	PETER .O
JOB No.:	108589

SHEET
A-2.2

A-2.2 PROPOSED FLOOR PLANS
SCALE: 1/4" = 1'-0"

MAIN HOUSE EXTENSION

MAIN HOUSE HOUSE



A-3.0 **PROPOSED FLOOR PLANS**
SCALE: 1/4" = 1'-0"

REVISIONS	
8-8-2019	TL & BP
[5-8],[6-13],[6-17],[6-24],[6-28],[7-2],[7-15],[10-14],[11-26] - 2024	P.O
3-17-2025	P.O
9-12-2025	P.O
3-19-2026	P.O
4-3-2026	P.O
7-14-2026	P.O
8-14-2026	P.O
8-19-2026	P.O
8-26-2026	P.O

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EXISTING ROOF PLANS

DATE START:	2/8/2022
SCALE:	As Noted
DRAWN BY:	PETER .O
JOB No.:	108589

SHEET
A-3.0

A-3.1 **PROPOSED ROOF PLANS**
SCALE: 1/4" = 1'-0"

REVISIONS	
8-8-2019	TL & BP
[5-8],[6-13],[6-17],[6-24], [6-28],[7-2],[7-15],[10-14], [11-26] - 2024	P.O
3-17-2025	P.O
9-12-2025	P.O
3-19-2026	P.O
4-3-2026	P.O
7-14-2026	P.O
8-14-2026	P.O
8-19-2026	P.O
8-26-2026	P.O

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PROPOSED ROOF PLANS

DATE START:	2/8/2022
SCALE:	As Noted
DRAWN BY:	PETER .O
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SHEET
A-3.1

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ICC-ES Evaluation Report

Reissued January 2023

ESR-3150

This report is subject to renewal January 2025.

DIVISION: 07 00 00—THERMAL AND MOISTURE PROTECTION
Section: 07 31 13—Asphalt Shingles

REPORT HOLDER:

MALARKEY ROOFING PRODUCTS

EVALUATION SUBJECT:

MALARKEY POLYMER-MODIFIED ASPHALT SHINGLES

1.0 EVALUATION SCOPE

Compliance with the following codes:

- 2021, 2018, 2015, 2012 and 2009 *International Building Code®* (IBC)
- 2021, 2018, 2015, 2012 and 2009 *International Residential Code®* (IRC)
- 2013 *Abu Dhabi International Building Code* (ADIBC)[1]

[1]The ADIBC is based on the 2009 IBC. 2009 IBC code sections referenced in this report are the same sections in the ADIBC.

Properties evaluated:

- Weather resistance
- Fire classification
- Wind resistance

2.0 USES

The Malarkey asphalt shingles described in this report meet the requirements for Class A roof coverings when installed in accordance with this report.

3.0 DESCRIPTION

3.1 General:

Malarkey asphalt shingles are polymer-modified self-sealing shingles complying with ASTM D3462. See Table 1 and Figure 1 for shingle type (three-tab or laminated), product names, dimensions, and manufacturing locations.

3.2 Polymer Modified Asphalt Shingles:

3.2.1 Highlander NEX: Highlander NEX shingles are self-sealing laminated shingles that consist of bitumen and fillers applied onto a fiberglass mat and surfaced with mineral roofing granules.

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modified bitumen and fillers applied onto a fiberglass mat and surfaced with reflective roofing granules, as well as copper roofing granules on the top surfacing for algae resistance.

3.2.13 Windsor Scotchgard™: Windsor Scotchgard™ shingles are heavy weight self-sealing laminated shingles that consist of polymer-modified bitumen and fillers applied onto a fiberglass mat and surfaced with mineral roofing granules.

3.2.14 EZ-Ridge: EZ-Ridge high profile decorative ridge shingles with sealant consist of an SBS blend asphalt coating applied onto a fiberglass mat and surfaced with colored ceramic granules. EZ-Ridge has an exposure of 8⅝ inches (210 mm).

3.2.15 EZ-Ridge XT: EZ-Ridge XT high profile decorative shingles with sealant consist of an SBS blend asphalt coating applied onto a fiberglass mat and surfaced with colored ceramic granules. The EZ-Ridge XT has an exposure area of 6⅛ inches (210 mm).

3.2.16 10" RidgeFlex: 10" RidgeFlex are SBS-modified fiberglass hip & ridge caps intended for use with wide ridge vents. 10" RidgeFlex consists of a fiberglass mat impregnated and coated on both sides with a modified-bitumen asphalt surfaced with embedded ceramic granules.

3.2.17 12" RidgeFlex: 12" RidgeFlex are SBS-modified fiberglass hip and ridge caps intended for use with wide ridge vents. 12" RidgeFlex consists of a fiberglass mat impregnated and coated on both sides with a modified-bitumen asphalt surfaced with embedded ceramic granules.

3.2.2 Highlander NEX AR: Highlander NEX AR shingles are identical to the Highlander except for the addition of copper roofing granules, for algae resistance, on the top surfacing.

3.2.3 Dura-Seal: Dura-Seal are self-sealing, single layer, 3-tab shingles that consist of bitumen and fillers applied on a fiberglass mat and surfaced with roofing granules.

3.2.4 Dura-Seal AR: Dura-Seal AR are self-sealing, single layer, 3-tab shingles that consist of bitumen and fillers applied on a fiberglass mat and surfaced with algae resistant roofing granules.

3.2.5 Vista: Vista shingles are self-sealing laminated shingles that consist of polymer modified bitumen and fillers applied onto a fiberglass mat and surfaced with mineral roofing granules.

3.2.6 Vista AR: Vista AR shingles are self-sealing laminated shingles that consist of bitumen and fillers applied onto a fiberglass mat and surfaced with mineral roofing granules.

3.2.7 Alaskan: Alaskan shingles are self-sealing, single-layer three-tab shingles that consist of polymer-modified bitumen and fillers applied onto a fiberglass mat and surfaced with mineral roofing granules.

3.2.8 Alaskan Scotchgard™: Alaskan Scotchgard™ shingles are identical to the Alaskan except for the addition of copper roofing granules, for algae resistance, on the top surfacing.

3.2.9 Legacy: Legacy shingles are self-sealing laminated shingles that consist of polymer-modified bitumen and fillers applied onto a fiberglass mat and surfaced with mineral roofing granules.

3.2.10 Legacy Scotchgard™: Legacy Scotchgard™ shingles are identical to the Legacy except for the addition of copper roofing granules, for algae resistance, on the top surfacing.

3.2.11 Ecoasis NEX: Ecoasis shingles are self-sealing laminated shingles that consist of bitumen and fillers applied onto a fiberglass mat and surfaced with reflective roofing granules

3.2.12 Ecoasis Premium: Ecoasis Premium shingles are self-sealing laminated shingles that consist of polymer-modified bitumen and fillers applied onto a fiberglass mat and surfaced with mineral roofing granules.

3.3 Fasteners:

Fasteners must comply with ASTM F1667 and must be minimum No. 12 gage [0.105-inch-diameter (2.67 mm) shank], ⅜-inch-diameter-head (9.5 mm), galvanized steel, stainless steel, aluminum or copper roofing nails. Fasteners must be of sufficient length to penetrate into the sheathing ¾ inch (19.1 mm), or through the sheathing, whichever is less.

3.4 Underlayment:

Under the 2021 and 2018 IBC, the roof underlayment must be in accordance with Section 1507.1.1 and Table 1507.1.1(1). Under the 2015, 2012 and 2009 IBC, the roof underlayment must be in accordance with Section 1507.2.3. Under the 2021, 2018 and 2015 IRC, the roof underlayment must be in accordance with Section R905.1.1 and Table R905.1.1(1) [2012 and 2009 IRC Section R905.2.3].

3.5 Asphalt Cement:

Asphalt roofing cement used for hand-sealing the shingles must comply with ASTM D4586, Type I, Class I, or Type II, Class I.

4.0 INSTALLATION

4.1 New Construction:

4.1.1 General: Installation of Malarkey polymer-modified asphalt shingles must comply with the applicable code, this report and the manufacturer's published installation instructions. The manufacturer's published installation instructions must be available at the jobsite at all times during installation. When installed on new construction in accordance with this section, the shingles are a Class A roof covering.

Roof deck must be code-complying, minimum ⅜-inch-thick (9.5 mm), exterior-grade plywood, 7/16-inch-thick (11.1 mm) oriented strand board (OSB); or nominally 1-inch-by-6-inch (25-by-152 mm) lumber installed as solid sheathing conforming to 2021, 2018, and 2015 IBC Section 2304.8.2 or 2308.7.10 [2012 and 2009 IBC Section 1507.2.9.3] or IRC Section R905.2.8.5.

4.1.6 Hip & Ridge: The hip & ridge shingles must be centered over hips and ridges, and must be fastened to the roof deck using two fasteners, one located on each side of the hip or ridge, 6½ inches (165 mm) from the exposed end for RidgeFlex products, 8½ inches (222.3 mm) for EZ-Ridge products, and 1 inch (25.4 mm) up from the shingle edge for both RidgeFlex and EZ-Ridge products. RidgeFlex hip and ridge shingles must be installed with a maximum 5⅝-inch (143 mm) exposure to the weather. See Figure 8. EZ-Ridge and EZ-Ridge XT hip and ridge shingles must be installed with a maximum exposure of 6⅛-inch (2010 mm) exposure to the weather. See Figure 9 for details.

4.2 Reroofing:

When the asphalt shingles described in this report are installed over existing Class A or Class C asphalt shingles in accordance with this section, the roofing assemblies are recognized as Class A roof coverings. The existing asphalt roof shingle covering must be inspected in accordance with the provisions and limitations of 2021 IBC section 1512 and 2018 and 2015 IBC Section 1511 [2012 and 2009 IBC Section 1510] or 2021, 2018, and 2015 IRC Section R908 [2012 and 2009 IRC Section R907]. Prior to reroofing, hip and ridge shingles must be removed. Except as noted in this section, the shingles must be installed in accordance with Section 4.1 of this report. Fasteners must be of sufficient length to penetrate ¾ inch (19 mm) into the sheathing or through the sheathing, whichever is less. Valley flashing and other flashings must comply with Section 4.1.5 and the following, as applicable:

- **IBC:** 2021 Sections 1512.4 and 1512.5 and 2018 and 2015 Sections 1511.5 and 1511.6 [2012 and 2009 Sections 1510.5 and 1510.6].
- **IRC:** 2021, 2018 and 2015 Sections R908.5 and R908.6 [2012 and 2009 IRC Sections R907.5 and R907.6].

4.3 Wind Resistance:

Malarkey asphalt shingles have been tested for wind resistance in accordance with ASTM D3161 or ASTM D7158. Shingles tested in accordance with ASTM D3161 are classified as Class A or Class F and qualify for use under 2021 IBC Section 1504.2 and 2018 and 2015 IBC Section 1504.1.1 [2012 and 2009 IBC Section 1507.2.7.1] or IRC (25 mm) in diameter, under each shingle tab. See Figures 3 and 4.

4.1.4 Shingle Fastening: For roof slopes of 2:12 to 21:12, three-tab and laminated shingles are fastened to the roof deck using four fasteners, located as shown in Figure 2. Windsor shingles require five or six fasteners, depending on region, as shown in Figure 3. In high wind areas and for roof slopes exceeding 21:12, three tab and laminated shingles must be hand-sealed in accordance with Section 4.1.3 and fastened to the roof deck using six fasteners, located as shown in Figure 2. In high wind areas and for roof slopes exceeding 21:12, Windsor shingles require nine fasteners and hand-sealing, located as shown in Figure 3. See Figure 5 for nailing depth illustration.

4.1.5 Valley Construction, Other Flashings and Drip Edges: Roof valleys must be flashed in accordance with 2021 and 2018 IBC Section 1507.2.8.2 [2015, 2012 and 2009 IBC Section 1507.2.9.2] or IRC Section R905.2.8.2. See Figure 7 for typical installation details. Other flashings must be installed in accordance with IBC Sections 1503.2 and 2021 and 2018 IBC Section 1507.2.8 [2015, 2012 and 2009 1507.2.9] or IRC Sections R903.2 and R905.2.8. Drip edges must be installed in accordance with 2021 and 2018

IBC Section 1507.2.8.3 [2015, 2012 and 2009 IBC Section 1507.2.9.3] or IRC Section R905.2.8.5.

4.1.6 Hip & Ridge: The hip & ridge shingles must be centered over hips and ridges, and must be fastened to the roof deck using two fasteners, one located on each side of the hip or ridge, 6½ inches (165 mm) from the exposed end for RidgeFlex products, 8½ inches (222.3 mm) for EZ-Ridge products, and 1 inch (25.4 mm) up from the shingle edge for both RidgeFlex and EZ-Ridge products. RidgeFlex hip and ridge shingles must be installed with a maximum 5⅝-inch (143 mm) exposure to the weather. See Figure 8. EZ-Ridge and EZ-Ridge XT hip and ridge shingles must be installed with a maximum exposure of 6⅛-inch (2010 mm) exposure to the weather. See Figure 9 for details.

4.2 Reroofing:

When the asphalt shingles described in this report are installed over existing Class A or Class C asphalt shingles in accordance with this section, the roofing assemblies are recognized as Class A roof coverings. The existing asphalt roof shingle covering must be inspected in accordance with the provisions and limitations of 2021 IBC section 1512 and 2018 and 2015 IBC Section 1511 [2012 and 2009 IBC Section 1510] or 2021, 2018, and 2015 IRC Section R908 [2012 and 2009 IRC Section R907]. Prior to reroofing, hip and ridge shingles must be removed. Except as noted in this section, the shingles must be installed in accordance with Section 4.1 of this report. Fasteners must be of sufficient length to penetrate ¾ inch (19 mm) into the sheathing or through the sheathing, whichever is less. Valley flashing and other flashings must comply with Section 4.1.5 and the following, as applicable:

- **IBC:** 2021 Sections 1512.4 and 1512.5 and 2018 and 2015 Sections 1511.5 and 1511.6 [2012 and 2009 Sections 1510.5 and 1510.6].
- **IRC:** 2021, 2018 and 2015 Sections R908.5 and R908.6 [2012 and 2009 IRC Sections R907.5 and R907.6].

4.3 Wind Resistance:

Malarkey asphalt shingles have been tested for wind resistance in accordance with ASTM D3161 or ASTM D7158. Shingles tested in accordance with ASTM D3161 are classified as Class A or Class F and qualify for use under 2021 IBC Section 1504.2 and 2018 and 2015 IBC Section 1504.1.1 [2012 and 2009 IBC Section 1507.2.7.1] or IRC (25 mm) in diameter, under each shingle tab. See Figures 3 and 4.

4.1.4 Shingle Fastening: For roof slopes of 2:12 to 21:12, three-tab and laminated shingles are fastened to the roof deck using four fasteners, located as shown in Figure 2. Windsor shingles require five or six fasteners, depending on region, as shown in Figure 3. In high wind areas and for roof slopes exceeding 21:12, three tab and laminated shingles must be hand-sealed in accordance with Section 4.1.3 and fastened to the roof deck using six fasteners, located as shown in Figure 2. In high wind areas and for roof slopes exceeding 21:12, Windsor shingles require nine fasteners and hand-sealing, located as shown in Figure 3. See Figure 5 for nailing depth illustration.

4.1.5 Valley Construction, Other Flashings and Drip Edges: Roof valleys must be flashed in accordance with 2021 and 2018 IBC Section 1507.2.8.2 [2015, 2012 and 2009 IBC Section 1507.2.9.2] or IRC Section R905.2.8.2. See Figure 7 for typical installation details. Other flashings must be installed in accordance with IBC Sections 1503.2 and 2021 and 2018 IBC Section 1507.2.8 [2015, 2012 and 2009 1507.2.9] or IRC Sections R903.2 and R905.2.8. Drip edges must be installed in accordance with 2021 and 2018

TABLE 1—PRODUCT LIST, DIMENSIONS AND MANUFACTURING FACILITIES

SHINGLE TYPE	PRODUCT	DIMENSIONS (inches)		MANUFACTURING FACILITY
		Height	Width	
Three Tab	The Alaskan	13¼	39⅜	Portland, Oregon South Gate, California Oklahoma City, Oklahoma
	The Alaskan Scotchgard™	13¼	39⅜	Portland, Oregon South Gate, California
	Dura-Seal	13¼	39⅜	South Gate, California
	Dura-Seal AR	13¼	39⅜	South Gate, California
Laminated	Vista	13¼	40	Portland, Oregon South Gate, California Oklahoma City, Oklahoma
	Vista AR	13¼	40	Portland, Oregon South Gate, California Oklahoma City, Oklahoma
	Highlander NEX	13¼	40	South Gate, California
	Highlander NEX AR	13¼	40	Portland, Oregon South Gate, California Oklahoma City, Oklahoma
	Legacy	13¼	40	Portland, Oregon South Gate, California Oklahoma City, Oklahoma
	Legacy Scotchgard™	13¼	40	Portland, Oregon Oklahoma City, Oklahoma
	Ecoasis NEX	13¼	40	South Gate, California
	Ecoasis Premium	13¼	40	South Gate, California
	Windsor Scotchgard™	38¼		Portland, Oregon
Hip & Ridge	10" RidgeFlex	9⅛	13¼	Portland, Oregon Oklahoma City, Oklahoma
	12" RidgeFlex	12	13¼	Portland, Oregon Oklahoma City, Oklahoma
	EZ Ridge	8	11⅛	South Gate, California
	EZ Ridge XT	9⅛	13¼	South Gate, California

For SI: 1 inch = 25.4 mm

5.0 CONDITIONS OF USE

The Malarkey asphalt shingles described in this report comply with, or are suitable alternatives to what is specified in, those codes listed in Section 1.0 of this report, subject to the following conditions:

5.1 Installation complies with this report, the manufacturer's published installation instructions and applicable code. If there is a conflict between the installation instructions and this report, this report governs.

5.2 The products are manufactured at the plant locations listed in Table 1 of this report, under a quality control program with inspections by ICC-ES.

6.0 EVIDENCE SUBMITTED

6.1 Manufacturer's published installation instructions.

6.2 Reports of testing in accordance with ASTM D3462, ASTM D3161, ASTM D7158, and ASTM E108.

6.3 Quality control documentation.

7.0 IDENTIFICATION

7.1 Each bundle of shingles bears a label with the name and address of the manufacturer (Malarkey Roofing Products), the product name, installation instructions, and the ICC-ES evaluation report number (ESR-3150). Additionally, in accordance with ASTM D3462, each bundle of shingles is marked with the area of the roof surface covered, ASTM designation, style, and color of the product.

7.2 The report holder's contact information is the following:

MALARKEY ROOFING PRODUCTS
POST OFFICE BOX 17217
3131 NORTH COLUMBIA BOULEVARD
PORTLAND, OREGON 97212
(503) 240-1191
www.malarkeyroofing.com

3-TAB 39-3/8"
Dura-Seal
Dura-Seal AR
The Alaskan
The Alaskan Scotchgard

LAMINATE 39"
Vista
Vista AR
Highlander NEX
Highlander NEX AR
Ecoasis NEX

LAMINATE 40"
Legacy
Legacy Scotchgard
Ecoasis Premium



ELEGANT HEAVYWEIGHT:
WINDSOR SCOTCHGARD™

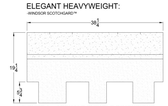
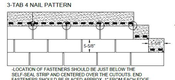
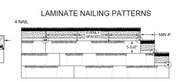


FIGURE 1—ASPHALT SHINGLE DIMENSIONS

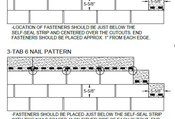
3-TAB 4 NAIL PATTERN



LAMINATE NAILING PATTERNS



3-TAB 6 NAIL PATTERN



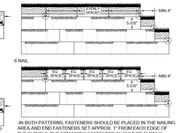
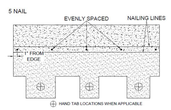
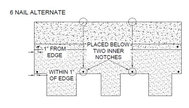
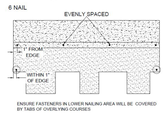


FIGURE 2—NAILING INSTRUCTIONS







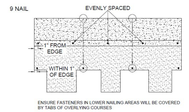
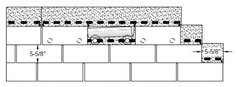


FIGURE 3—NAILING INSTRUCTIONS & HAND-TAB LOCATIONS: WINDSOR SHINGLES

HAND-SEALING 3-TAB SHINGLES



HAND-SEALING LAMINATE SHINGLES

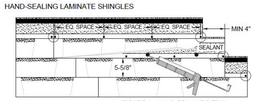


FIGURE 4—HAND-SEALING DETAIL

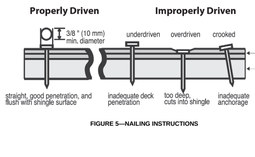
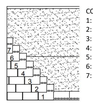
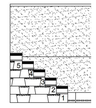


FIGURE 5—NAILING INSTRUCTIONS

3-TAB



LAMINATE



WINDSOR

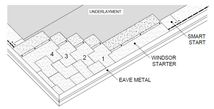
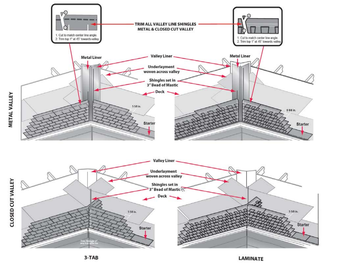


FIGURE 6—SHINGLE LAYOUTS; DIAGONAL PATTERN



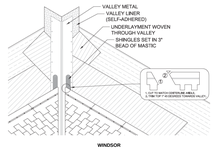
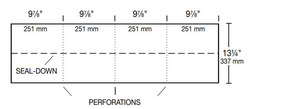
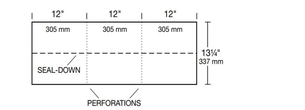


FIGURE 7—VALLEY INSTALLATION DETAIL: CLOSED-CUT AND OPEN METAL



10" RIDGEFLEX SEPARATES AT PERFORATIONS INTO FOUR HIP & RIDGE STRIPS



12" RIDGEFLEX SEPARATES AT PERFORATIONS INTO THREE HIP & RIDGE STRIPS

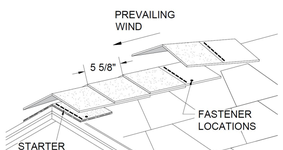


FIGURE 8 – INSTALLATION OF RIDGEFLEX HIP & RIDGE SHINGLES



EZ-RIDGE SHINGLE

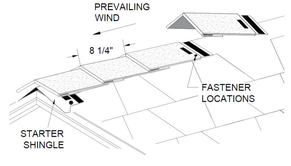


FIGURE 9 – INSTALLATION OF EZ-RIDGE HIP & RIDGE SHINGLES

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ESR-3150 CBC and CRC Supplement

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DIVISION: 07 00 00—THERMAL AND MOISTURE PROTECTION
Section: 07 31 13—Asphalt Shingles

REPORT HOLDER:

MALARKEY ROOFING PRODUCTS

EVALUATION SUBJECT:

MALARKEY POLYMER-MODIFIED ASPHALT SHINGLES

1.0 REPORT PURPOSE AND SCOPE

Purpose:

The purpose of this evaluation report supplement is to indicate that the Malarkey Engineered and Polymer-modified asphalt shingles, described in ICC-ES evaluation report ESR-3150, have also been evaluated for compliance with the codes noted below.

Applicable code editions:

- 2019 California *Building Code* (CBC)

For evaluation of applicable chapters adopted by the California Office of Statewide Health Planning and Development (OSHPD) AKA: California Department of Health Care Access and Information (HCAI) and the Division of State Architect (DSA), see Sections 2.1.1 and 2.1.2 below.

- 2019 California *Residential Code* (CRC)

2.0 CONCLUSIONS

2.1 CBC:

The Malarkey Engineered and Polymer-modified asphalt shingles, described in Sections 2.0 through 7.0 of the evaluation report ESR-3150, comply with CBC Sections 1505.1 and 1507.2, and may be used where the CBC requires a Class A roof covering complying with CBC Section 1505.1.1, a Class B roof covering complying with CBC Section 1505.1.2, or a Class C roof covering complying with CBC Section 1505.1.3, provided the design and installation are in accordance with the 2018 *International Building Code®* (IBC) provisions noted in the evaluation report and the additional requirements of CBC Section 1511, as applicable.

2.1.1 OSHPD:

The applicable OSHPD Sections of the CBC are beyond the scope of this supplement.

2.1.2 DSA:

The applicable DSA Sections of the CBC are beyond the scope of this supplement.

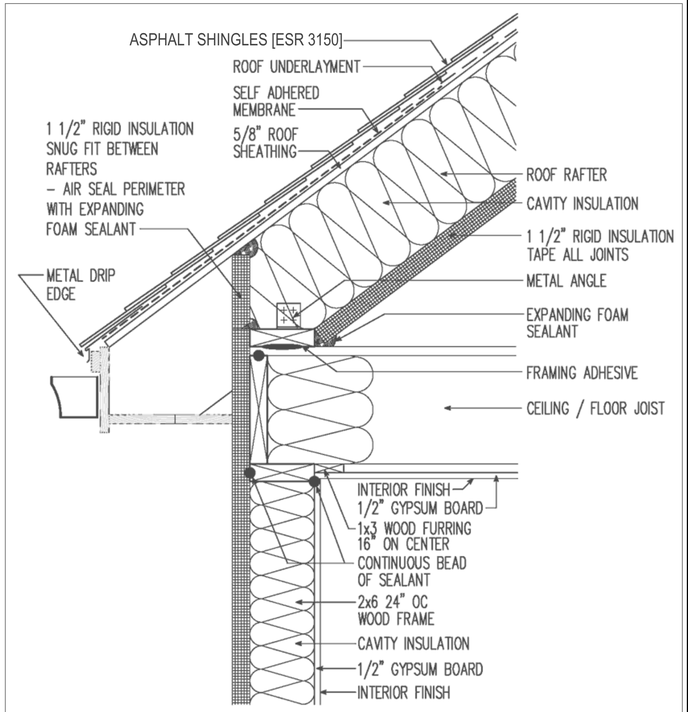
2.2 CRC:

The Malarkey Engineered and Polymer-modified asphalt shingles, described in Sections 2.0 through 7.0 of the evaluation report ESR-3150, complies with CRC Sections R902.1 and R905.2, and may be used where the CRC requires a Class A roof covering complying with CRC Section R902.1.1, a Class B roof covering complying with CRC Section R902.1.2, or a Class C roof covering complying with CRC Section R902.1.3, provided the design and installation are in accordance with the 2018 *International Residential Code®* (IRC) provisions noted in the evaluation report and the additional requirements of CRC Section R908, as applicable.

This supplement expires concurrently with the evaluation report, reissued January 2023.

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8-26-2026	P.O

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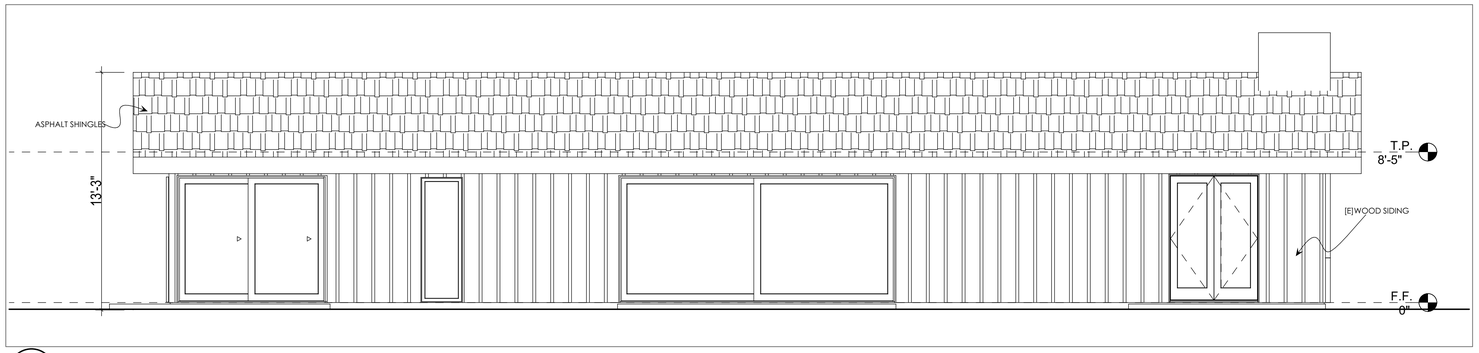
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ROOF DETAILS

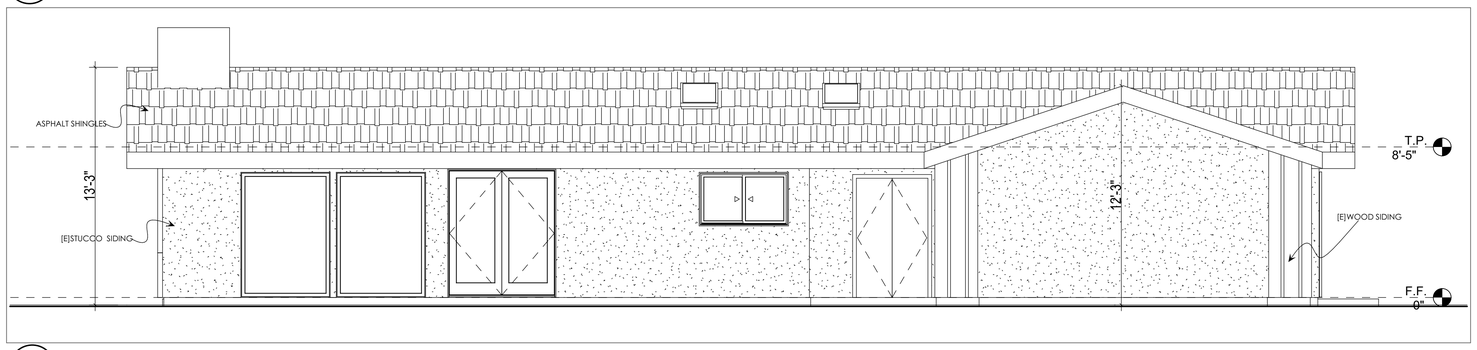
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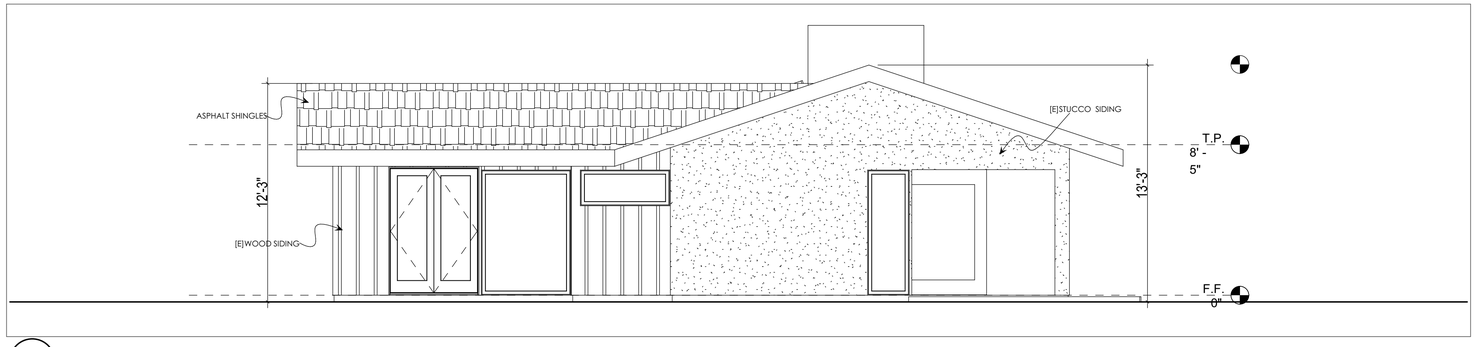
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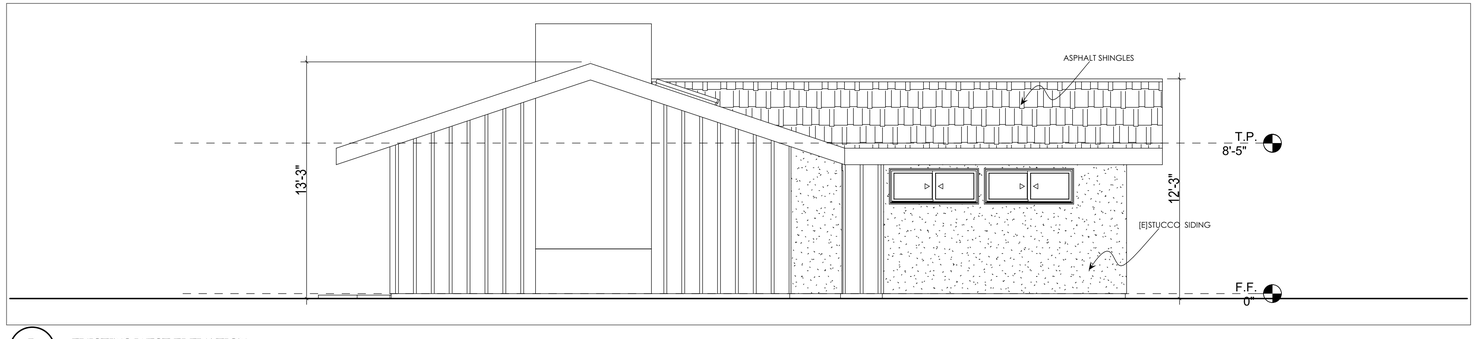
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EXISTING SOUTH ELEVATION
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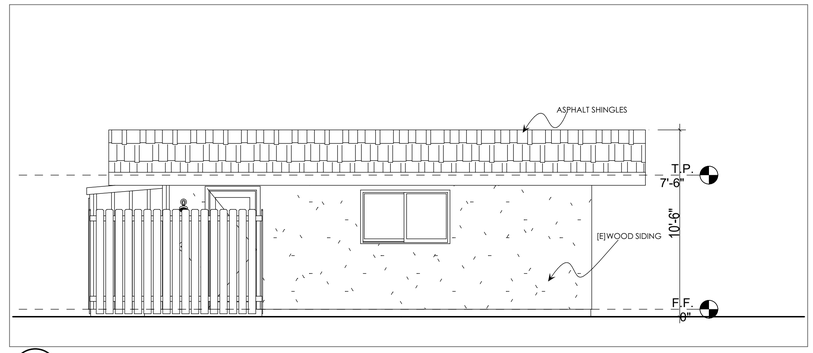


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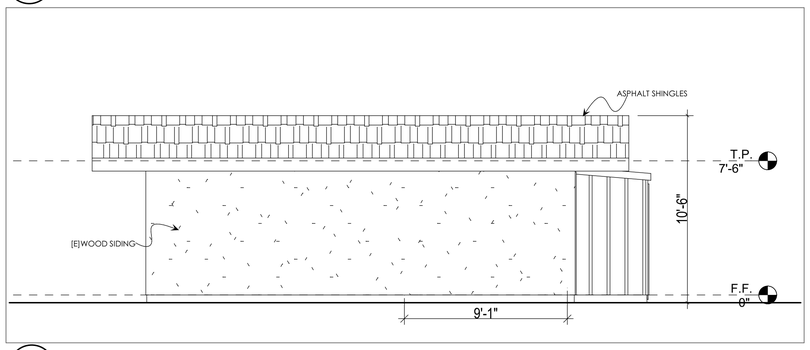


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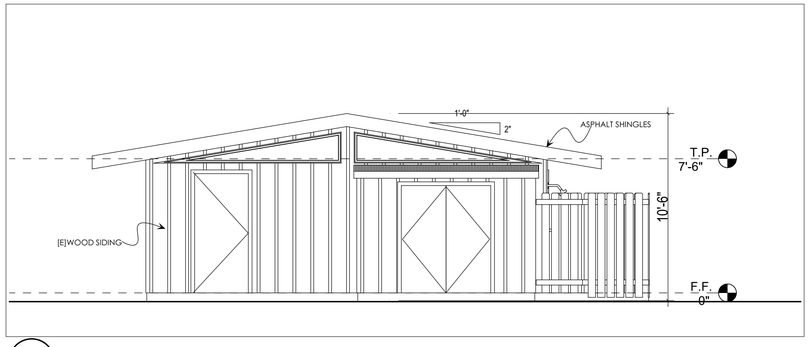
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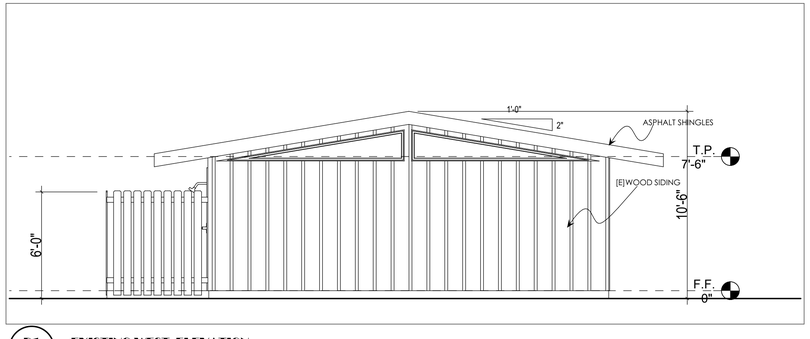
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C1
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D1
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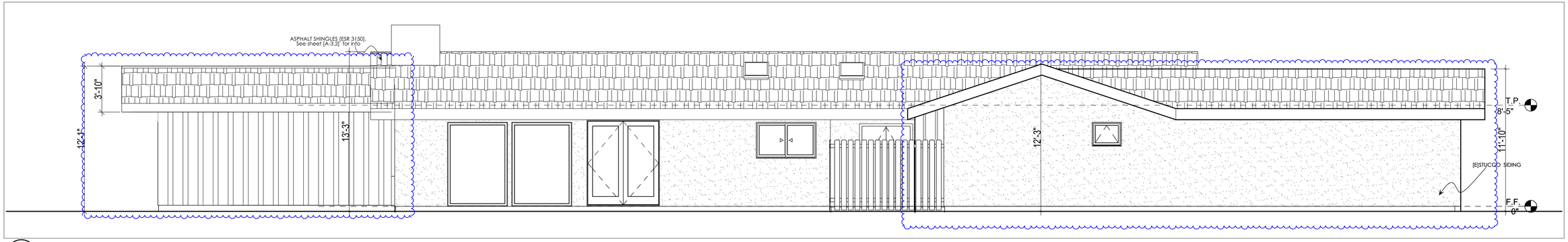
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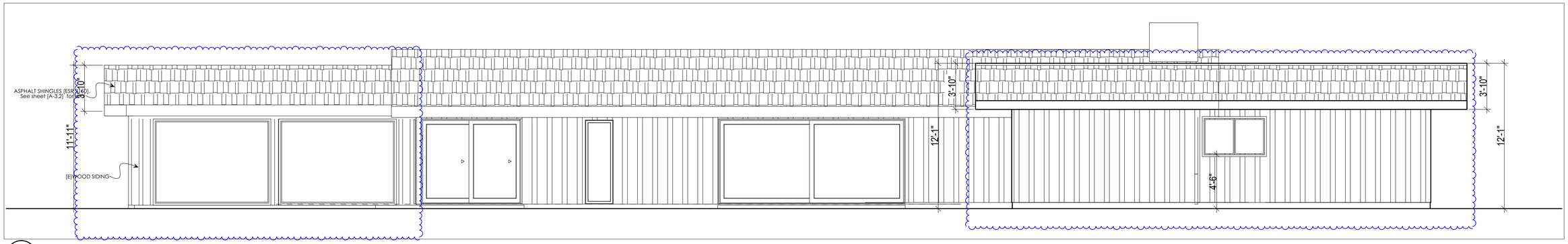
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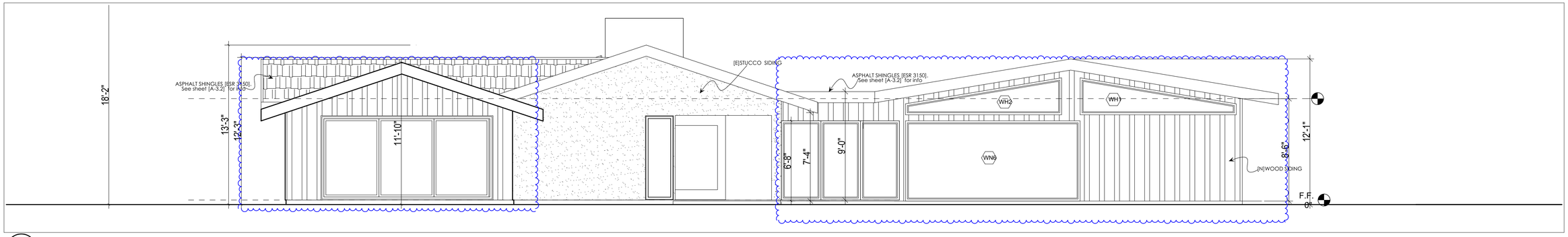
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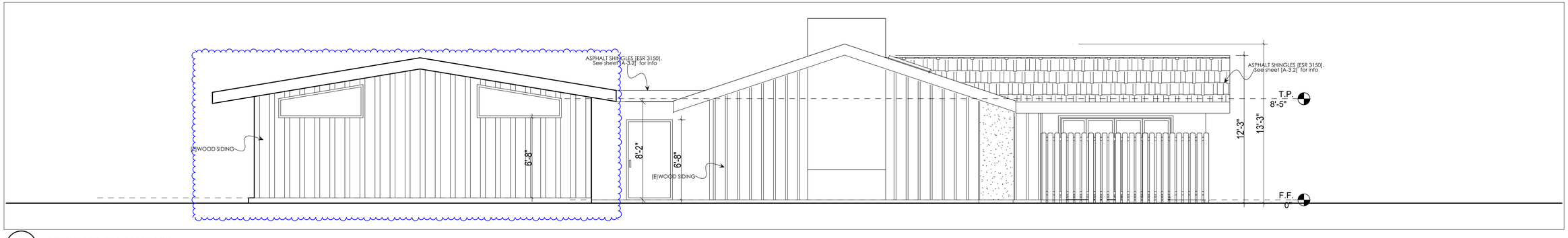
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C
A-4.1 **PROPOSED EAST ELEVATION**
SCALE: 1/4" = 1'-0"



D
A-4.1 **PROPOSED WEST ELEVATION**
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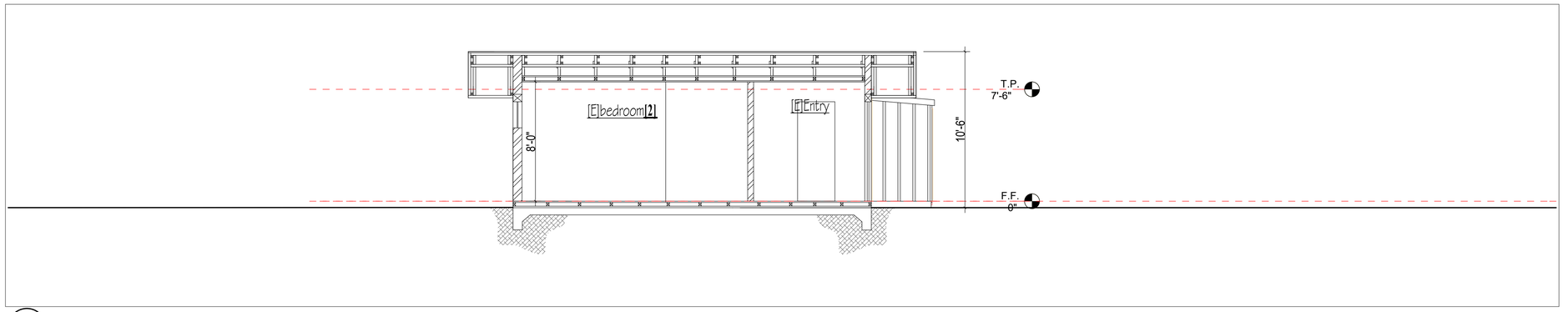
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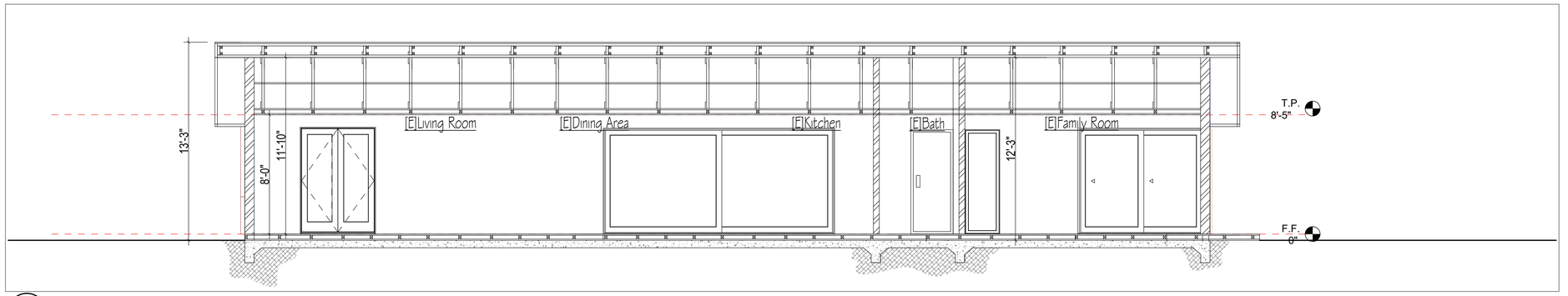
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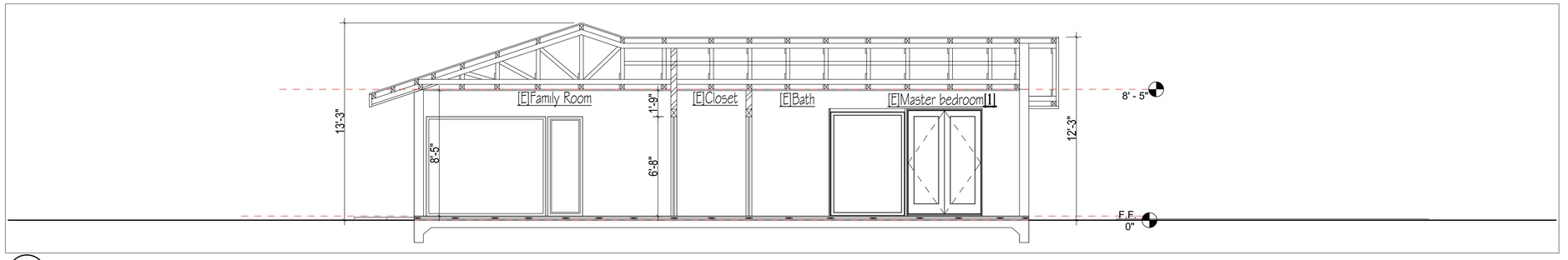
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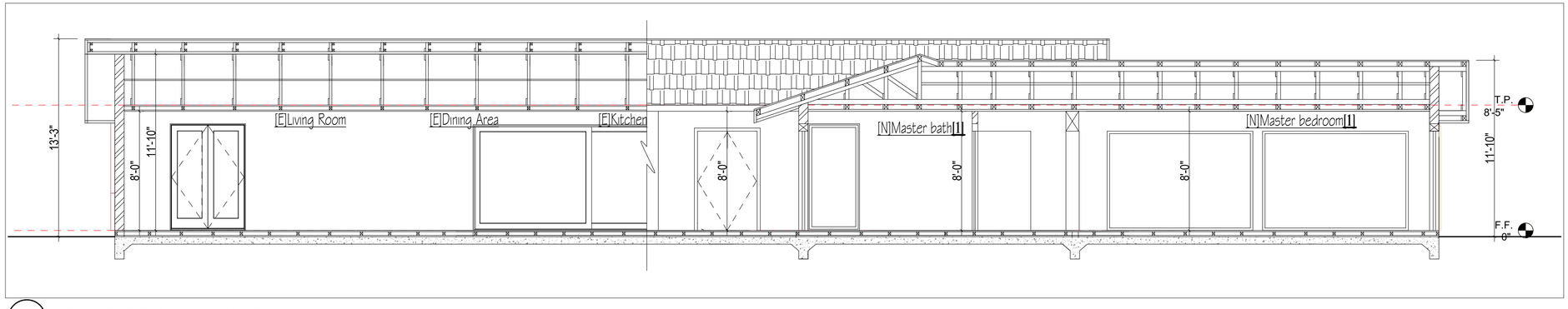
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Y / A-5.0 **EXISTING SECTION Y- Y [MAIN HOUSE]**
SCALE: 1/4" = 1'-0"



V / A-5.0 **PROPOSED SECTION V-V [MAIN HOUSE]**
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REVISIONS	
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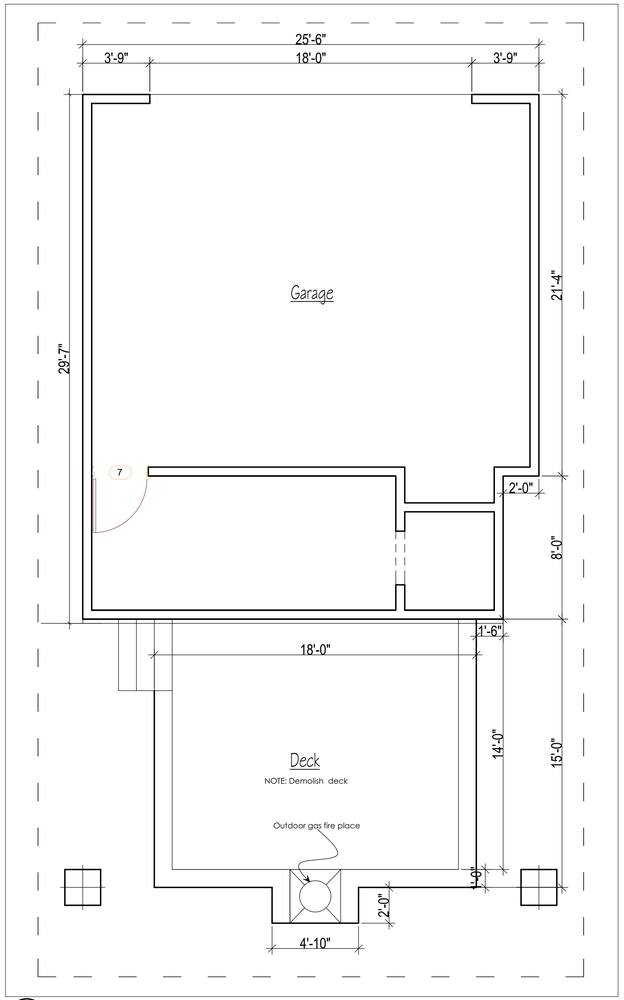
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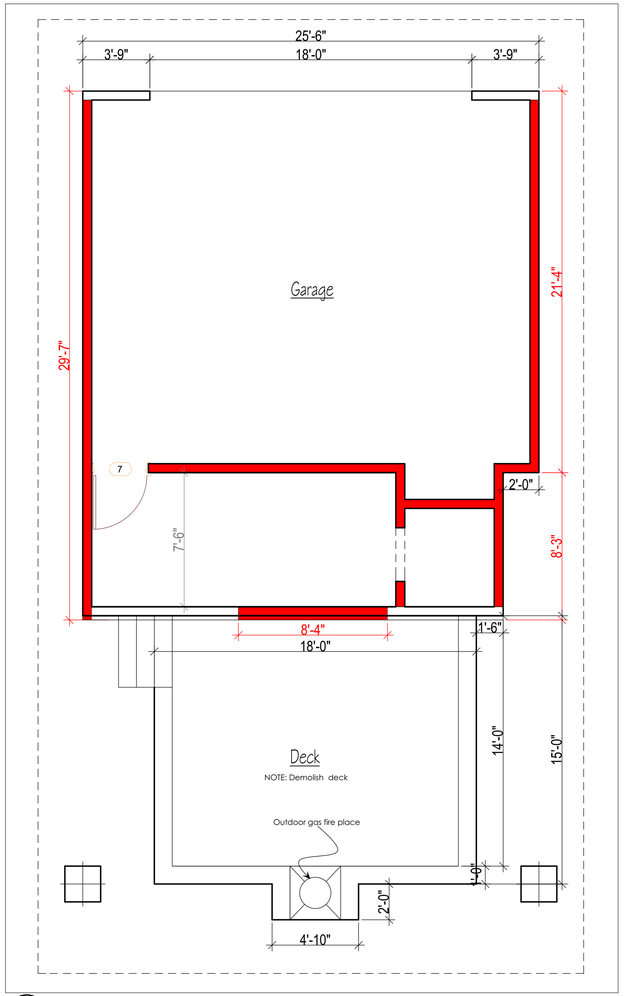
EXISTING AND PROPOSED SECTIONS

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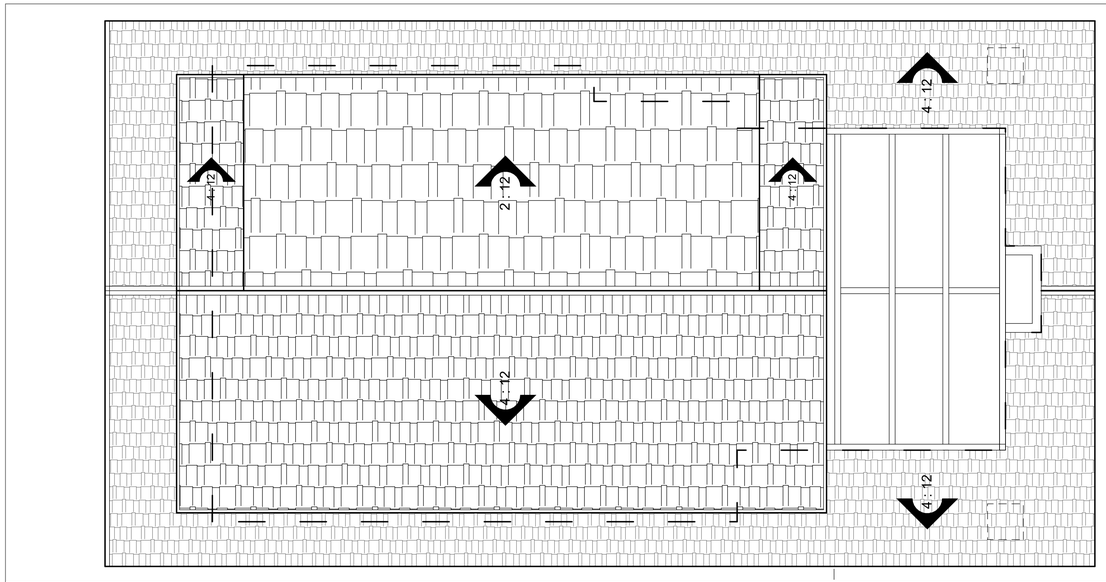
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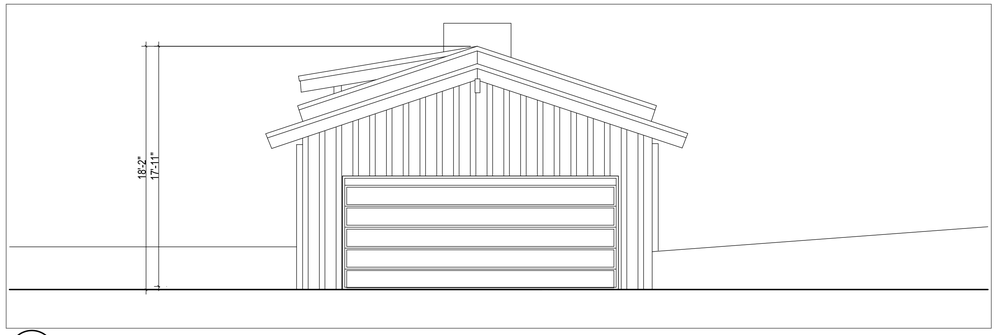
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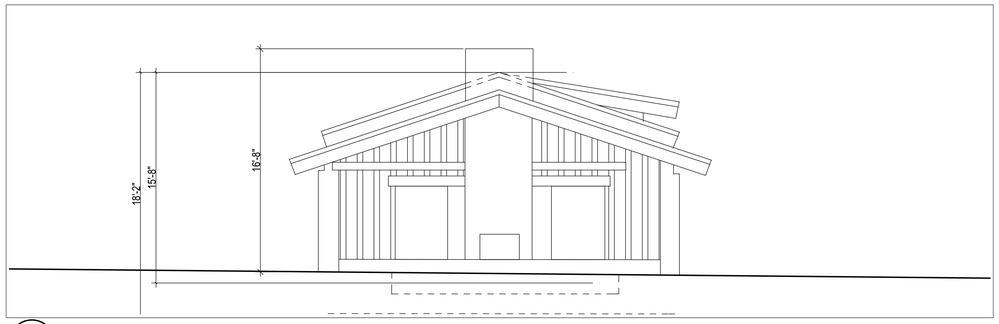
B **DEMOLISHED FLOOR PLAN**
SCALE: 1/4" = 1'-0"



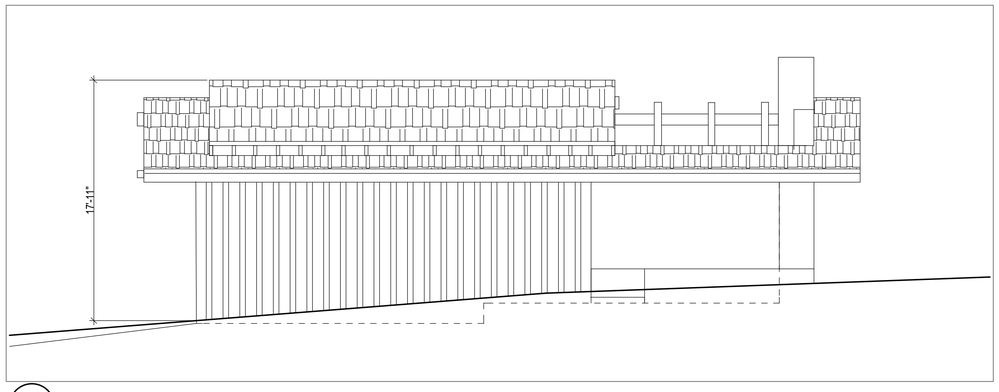
C **EXISTING ROOF PLAN**
SCALE: 1/4" = 1'-0"



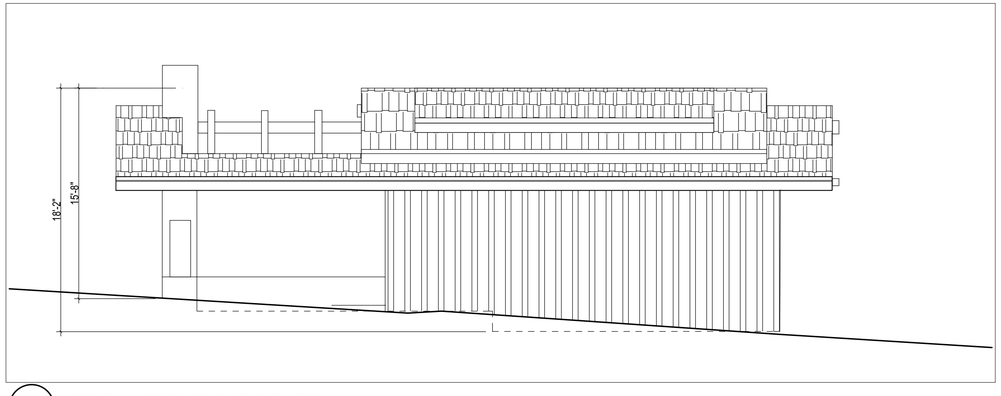
1 **EXISTING / PROPOSED NORTH ELEVATION**
SCALE: 3/16" = 1'-0"



2 **EXISTING / PROPOSED SOUTH ELEVATION**
SCALE: 3/16" = 1'-0"



3 **EXISTING / PROPOSED WEST ELEVATION**
SCALE: 3/16" = 1'-0"



4 **EXISTING / PROPOSED EAST ELEVATION**
SCALE: 3/16" = 1'-0"

REVISIONS	
8-8-2019	TL & BP
[5-8],[6-13],[6-17],[6-24],[6-28],[7-2],[7-15],[10-14],[11-26] - 2024	P.O
3-17-2025	P.O
9-12-2025	P.O
3-19-2026	P.O
4-3-2026	P.O
7-14-2026	P.O
8-14-2026	P.O
8-19-2026	P.O
8-26-2026	P.O

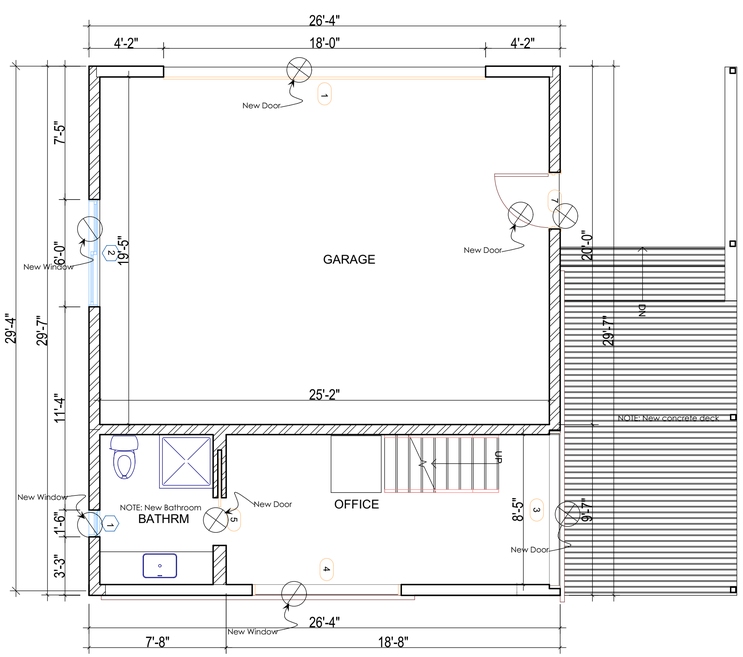
6608 Portshead Road
Malibu CA 90265
APN: 4466-019-006

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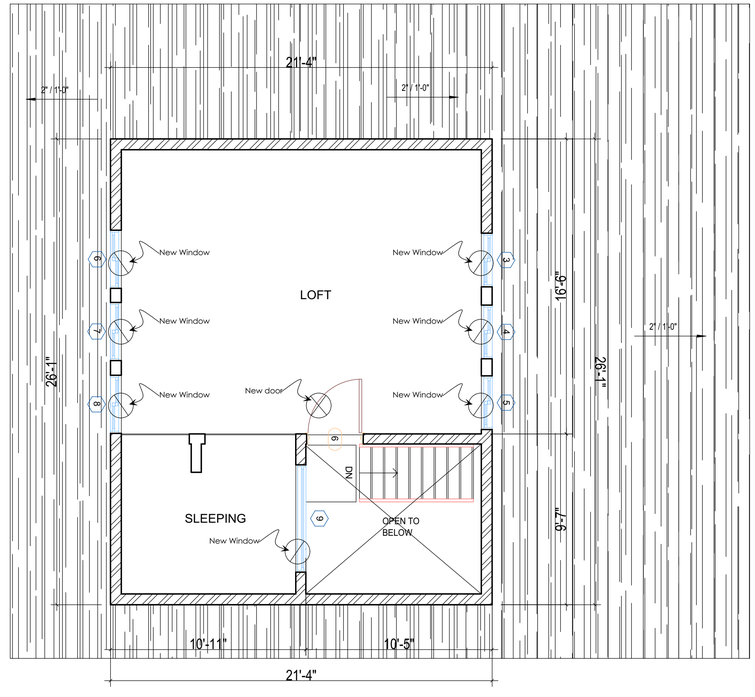
EXISTING - DEMOLISHED GARAGE PLANS & ELEVATIONS

DATE START:	2/8/2022
SCALE:	As Noted
DRAWN BY:	PETER .O
JOB No.:	108589

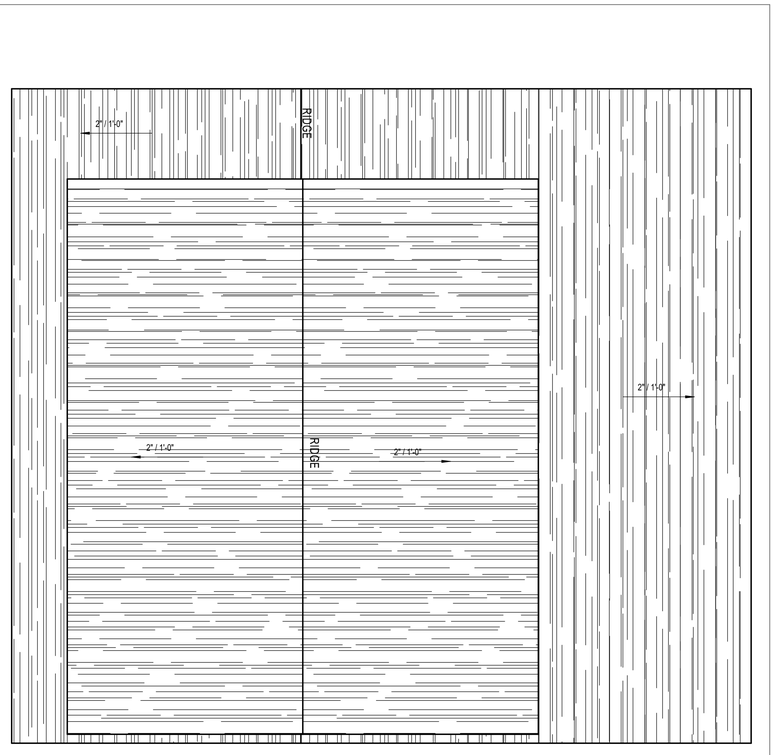
SHEET
A-6.0



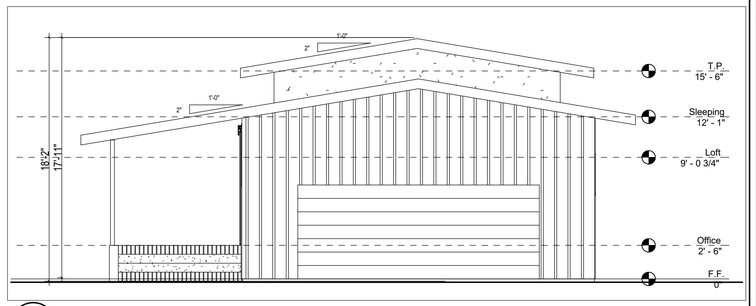
A PROPOSED GROUND FLOOR PLAN
SCALE: 1/4" = 1'-0"



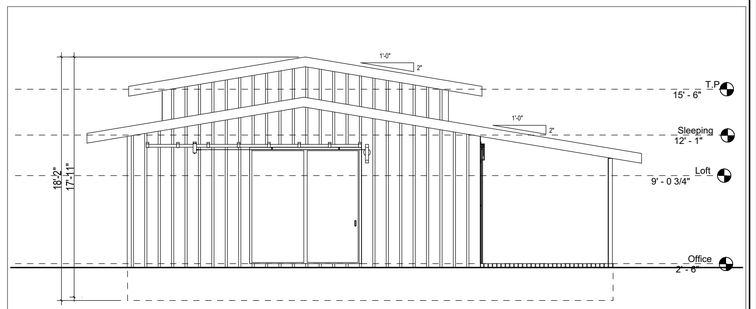
B PROPOSED UPPER FLOOR PLAN
SCALE: 1/4" = 1'-0"



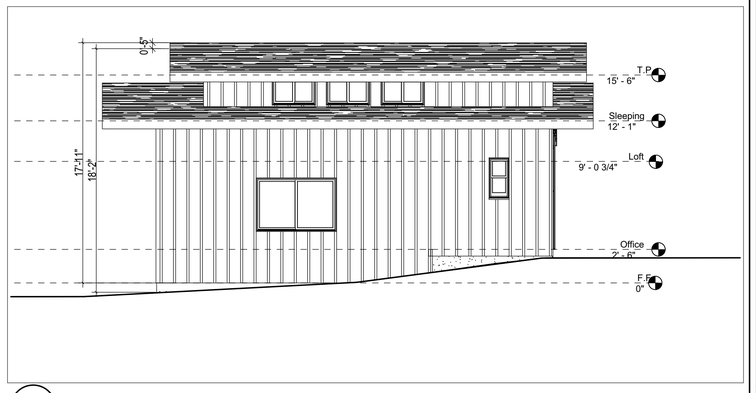
C PROPOSED ROOF PLAN
SCALE: 1/4" = 1'-0"



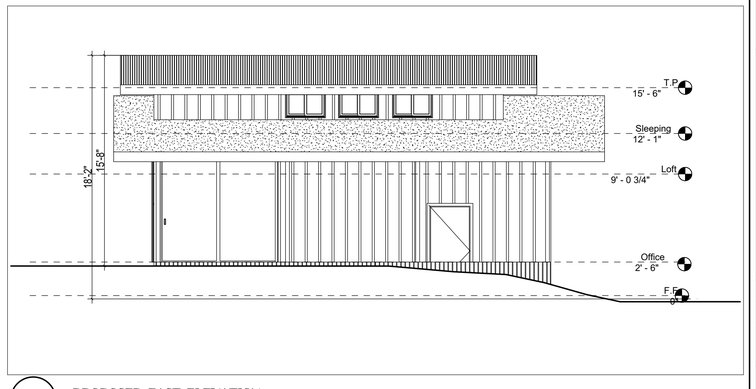
1 PROPOSED NORTH ELEVATION
SCALE: 3/16" = 1'-0"



2 PROPOSED SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



3 PROPOSED WEST ELEVATION
SCALE: 3/16" = 1'-0"



4 PROPOSED EAST ELEVATION
SCALE: 3/16" = 1'-0"

REVISIONS	
8-8-2019	TL & BP
[5-8],[6-13],[6-17],[6-24], [6-28],[7-2],[7-15],[10-14], [11-26] - 2024	P.O
3-17-2025	P.O
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4-3-2026	P.O
7-14-2026	P.O
8-14-2026	P.O
8-19-2026	P.O
8-26-2026	P.O

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PROPOSED GARAGE PLANS AND ELEVATIONS

DATE START:	2/8/2022
SCALE:	As Noted
DRAWN BY:	PETER .O
JOB No.:	108589

SHEET
A-6.1

MAIN HOUSE

Existing Door Schedule

Mark	Width	Height	Door Type	Comments
1	5' - 0 3/4"	7' - 2"	Door-2_Panel_French_Door	
2	15' - 6"	7' - 1 1/4"	Door-Sliding-Marvin-Multi_Slide_ Stacked_Uni_Directional-Ultimate	
3	13' - 0"	7' -11/4"	Door-Sliding-Marvin-Multi-Slide_ Pocket_Uni_Directional-Ultimate	
6	5' - 0 3/4"	7' - 2"	Door-2_Panel_French_Door	Demolish
7	6' -0 3/4"	7' - 2"	Door-2_Panel_French_Door	
8	3' - 0"	6' - 8"	Single-Pocket	
9	2' - 8"	6' - 8"	Single 2 Panel Hollow Core	
10	5' - 0"	7' - 0 1/4"	Barn Sliding Door	
11	8' - 0"	7' - 0 1/4"	Barn Sliding Door	
12	3' - 0"	6' - 8"	Single 2 Panel Hollow Core	Demolish
13	2' - 8"	6' - 8"	Single 2 Panel Hollow Core	Demolish
14	2' - 6"	6' - 8"	Single 2 Panel Hollow Core	Demolish
15	2' - 6"	6' - 8"	Single 2 Panel Hollow Core	Demolish
16	4' - 0"	6' - 8"	Double 2 Flush Panel Solid Core	
DN1	2' - 8"	6' - 0"	Single-Pocket	New
DN2	9' - 6"	6' - 8"	Bifold Doors	New
DN3	3' - 0"	6' - 8"	Single 2 Panel Hollow Core	New
DN4	2' - 8"	6' - 8"	Single-Pocket	New
DN5	2' - 8"	6' - 8"	Single 2 Panel Hollow Core	New
DN6	2' - 8"	6' - 8"	Single-Pocket	New
DN7	3' - 0"	6' - 8"	Single-Pocket	New
DN8	14' - 3"	6' - 8"	Sliding Door	New

Existing Window Schedule

Mark	Width	Height	Window Type	Head Height	Comments
1	2' - 4"	7' - 0"	Fixed Window	7' - 0"	
2	2' - 4"	7' - 0"	Fixed Window	7' - 0"	
3	5' - 0"	2' - 0"	Fixed Window	7' - 0"	Demolish
4	5' - 0"	7' - 0"	Fixed Window	7' - 0"	Demolish
5	5' - 0"	2' - 0"	Sliding 2_Sash Window	7' - 0"	Demolish
6	5' - 0"	2' - 0"	Sliding 2_Sash Window	7' - 0"	Demolish
7	5' - 0"	3' - 0"	Sliding 2_Sash Window	7' - 0"	
8	5' - 0"	7' - 0"	Fixed Window	7' - 0"	
9	5' - 0"	7' - 0"	Fixed Window	7' - 0"	
11	2' - 0"	3' - 6"	Skylight-Flat		
12	2' - 0"	3' - 6"	Skylight-Flat		
WN1	9' - 9"	7' - 0"	Fixed Window	7' - 0"	New
WN2	9' - 9"	7' - 0"	Fixed Window	7' - 0"	New
WN3	2' - 5"	2' - 0"	Projected Window	7' - 0"	New

GUEST HOUSE

Existing Door Schedule

Mark	Width	Height	Door Type	Comments
1	3' - 0"	6' - 8"	Single Flush Panel Hollow Core	Demolish
2	2' - 6"	6' - 8 1/4"	Barn Sliding Door	Demolish
3	2' - 8"	6' - 8"	French Solid Core Single	Demolish
4	3' - 0"	6' - 8"	Single Flush Panel Hollow Core	Demolish
5	3' - 0"	6' - 8"	Single Flush Panel Hollow Core	Demolish
6	5' - 0"	6' - 0"	Double 2 Flush Panel Solid Core	Demolish
DN9	2' - 10"	6' - 8"	Single-Pocket	New
DN10	3' - 0"	6' - 8"	Single-Pocket	New
DN11	7' - 2"	6' - 8"	Sliding Door	New
DN12	3' - 0"	6' - 8"	Single Flush Panel Hollow Core	New
DN13	3' - 0"	6' - 8"	Single Flush Panel Hollow Core	New
DN14	6' - 6"	6' - 8"	Sliding Door	New
DN15	9' - 10"	6' - 8"	Bifolds	New
DN16	2' - 8"	6' - 8"	French Solid Core Single	New
DN17	2' - 8"	6' - 8"	Single-Pocket	New

Existing Window Schedule

Mark	Width	Height	Window Type	Head Height	Comments
1	5' - 0"	3' - 0"	Window-Sliding-Double	6' - 8"	
2	10' - 6"	1' - 9"	Window-Fixed-Marvin-Polygon_P 3-1_Direct_Glaze-Clad_Ultimate	9' - 0"	
3	10' - 6"	1' - 9"	Window-Fixed-Marvin-Polygon_P 3-1_Direct_Glaze-Clad_Ultimate	9' - 0"	
4	10' - 6"	1' - 9"	Window-Fixed-Marvin-Polygon_P 3-1_Direct_Glaze-Clad_Ultimate	9' - 0"	
5	10' - 6"	1' - 9"	Window-Fixed-Marvin-Polygon_P 3-1_Direct_Glaze-Clad_Ultimate	9' - 0"	
WN4	7' - 0"	1' - 9"	Window-Fixed-Marvin-Polygon_P 3-1_Direct_Glaze-Clad_Ultimate	9' - 0"	
WN5	7' - 0"	1' - 9"	Window-Fixed-Marvin-Polygon_P 3-1_Direct_Glaze-Clad_Ultimate	9' - 0"	
WN6	10' - 8"	6' - 8"	Window-Fixed-Marvin-Polygon_P 3-1_Direct_Glaze-Clad_Ultimate		
WN7	5' - 0"	3' - 0"	Window-Sliding-Double		
WH1	10'-0" x 10'-0" x 1'-9"		Window-Fixed-Marvin-Polygon_P 3-1_Direct_Glaze-Clad_Ultimate		
WH2	10'-0" x 10'-0" x 1'-9"		Window-Fixed-Marvin-Polygon_P 3-1_Direct_Glaze-Clad_Ultimate		

GARAGE

Proposed Door Schedule

Mark	Width	Height	Door Type	Comments
1	18' - 0"	7' - 0"	Overhead-Sectional	
3	8' - 6"	8' - 6"	Metal Sliding_Industrial	
4	8' - 0"	8' - 6"	Metal Sliding_Industrial	
5	2' - 8"	6' - 8"	Single-Pocket	
6	3' - 0"	6' - 8"	French Solid Core Single	
7	3' - 0"	6' - 8"	Single Flush Panel Hollow Core	

Proposed Window Schedule

Mark	Width	Height	Window Type	Head Height
1	1' - 6"	3' - 0"	Single Hung Window	6' - 10"
2	6' - 0"	4' - 0"	Sliding 2_Sash Window	7' - 10"
3	3' - 0"	2' - 0"	Sliding 2_Sash Window	3' - 2"
4	3' - 0"	2' - 0"	Sliding 2_Sash Window	3' - 2"
5	3' - 0"	2' - 0"	Sliding 2_Sash Window	3' - 2"
6	3' - 3"	2' - 0"	Sliding 2_Sash Window	3' - 2"
7	3' - 3"	2' - 0"	Sliding 2_Sash Window	3' - 2"
8	3' - 3"	2' - 0"	Sliding 2_Sash Window	3' - 2"
9	6' - 0"	2' - 0"	Fixed Window	4' - 6"

REVISIONS

8-8-2019	TL & BP
[5-8],[6-13],[6-17],[6-24], [6-28],[7-2],[7-15],[10-14], [11-26] - 2024	P.O
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WINDOWS AND DOORS SCHEDULE

DATE START:	2/8/2022
SCALE:	As Noted
DRAWN BY:	PETER .O
JOB No.:	108589

SHEET
A-7.0

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

BIOLOGY REVIEW REFERRAL SHEET

TO: City of Malibu Biologist

FROM: City of Malibu Planning Department **REVISED DATE** 09/03/2026

PROJECT NUMBER: ACDP 19-070

JOB ADDRESS: 6608 PORTSHEAD RD

APPLICANT / CONTACT: Kevin Poffenbarger, EPD Consultants, Inc

APPLICANT EMAIL: info@epd-net.com

PLANNER: Alexander da Silva

PROJECT DESCRIPTION: Remodel/addition and updated OWTS *ATF partial conversion of garage into habitable space*

REVISION:

TO: Malibu Planning Department and/or Applicant

FROM: City Biologist, Courtney McCammon

_____ The project review package is INCOMPLETE and; CANNOT proceed through Final Planning Review until corrections and conditions from Biological Review are incorporated into the proposed project design (See Attached).

X The project is APPROVED, consistent with City Goals & Policies associated with the protection of biological resources and CAN proceed through the Planning process.

Building Plan Check (BPC) Required ☐ Yes ☐ No BPC Fees Req'd $_____

_____ The project may have the potential to significantly impact the following resources, either individually or cumulatively: Sensitive Species or Habitat, Watersheds, and/or Shoreline Resources and therefore Requires Review by the Environmental Review Board (ERB).

Courtney McCammon — 9/15/26

Signature Date

Additional requirements/conditions may be imposed upon review of plan revision

Contact Information:
Courtney McCammon, City Biologist, biology@malibucity.org, (310) 456-2489, extension 277

City of Malibu

Biology • Planning Department
23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

BIOLOGY REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email)	Kevin Poffenbarger, EPD Consultants, Inc info@epd-net.com		
Project Address:	**6608 PORTSHEAD RD** Malibu, CA 90265		
Planning Case No.:	ACDP 19-070		
Project Description:	Remodel/addition and updated OWTS *ATF partial conversion of garage into habitable space*		
Date of Review:	September 15, 2026		
Reviewer:	Courtney McCammon	Signature:	Courtney McCammon
Contact Information:	Phone: (310) 456-2489 ext 277	Email:	biology@malibucity.org

SUBMITTAL INFORMATION

Site Plan:	5/12/25
Site Survey:	5/12/25
Landscape Plan:	9/3/26
Hydrozone Plan:	9/3/26
Irrigation Plan:	9/3/26
Fuel Modification Plan:	
Grading Plan:	
OWTS Plan:	5/12/25
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan:	
Miscellaneous:	
Previous Reviews:	10/25/2019 (Approved), 9/4/24 (Incomplete), 5/30/25 (Approved), 9/2/26 (Incomplete)

REVIEW FINDINGS

Review Status:	☐	**INCOMPLETE**: Additional information and/or a response to the listed review comments is required.
	☒	**APPROVED**: The project has been approved with regards to biological impacts.
	☐	**CANNNOT APPROVE AS SUBMITTED**: The proposed project does not conform to the requirements of the MMC and/or LCP.
	☐	**ERB**: This project has the potential to impact ESHA and may require review by the Environmental Review Board pursuant to LIP Section 4.4.4

Recycled Paper

DISCUSSION:

1. The Maximum Applied Water Allowance (MAWA) for this project totals 318,476 gallons per year (gpy). The Estimated Applied Water Use (EAWU) totals 161,437 gpy. Therefore, the project meets the Landscape Water Conservation Ordinance Requirements.

RECOMMENDATIONS:

1. The project is recommended for **APPROVAL** with the following conditions:

   A. Prior to installation of any landscaping, the applicant shall obtain plumbing permit for the proposed irrigation system from the Building Safety Division.

   B. Prior to or at the time of a Planning final inspection, the property owner/applicant shall submit to the case planner a copy of the plumbing permit for the irrigation system installation that has been signed off by the Building Safety Division.

   C. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Community Development Director for review and approval a certificate of completion in accordance with MMC Chapter 17.53. The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 17.53.

   D. Prior to a final plan check approval, the property owner /applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29. For approval contact:

      LA County Waterworks District 29
      Address: 23533 Civic Center Way, Malibu, CA 90265
      Email: wwsmaeng@dpw.lacounty.gov
      Phone: (310) 317 – 0209

      Please note: submit plans through EPIC-LA using the "Waterworks Division Landscape Water Efficiency Approval" application. This action may require several weeks. As such, the applicant should submit their approved landscape plans as soon as feasible in order to avoid a delay at plan check.

   E. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 inches. Three violations of this condition will result in a requirement to permanently remove the vegetation from the site.

   F. Vegetation in excess of six feet in height shall not obstruct the primary view of existing residences located within a 1,000-foot radius at any given time (given consideration of its future growth).

G. Plantings required for fuel modification, except for within irrigated Zone A nearest to approved residential structures, must be native, drought-tolerant species and shall blend with the existing natural vegetation and natural habitats on the site.

H. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).

I. The use of wood chips and shredded rubber is prohibited anywhere on the site. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between 5 and 30 feet from the eave/overhang of a structure with limited application areas. Any mulch materials (excluding wood chips and shredded rubber) are allowed 30 feet or more from a structure with no limitation on application area.

J. Invasive plant species, as determined by the City of Malibu, are prohibited.

K. No non-native plant species shall be approved greater than 50 feet from the residential structure.

L. Grading/excavation/vegetation removal scheduled between February 1 - September 15 will require nesting bird surveys by a qualified biologist prior to initiation of such activities. Surveys shall be completed no more than five days from proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of the surveys shall be turned in to the City within two business days of completion of surveys.

M. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.

N. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained in accordance with a landscape plan, with native plant species, to the satisfaction of the Planning Community Development Director.

O. The landscape and fuel modification plan has been conditioned to protect natural resources in accordance with the Local Coastal Program. All areas shall be planted and maintained as described in the landscape and fuel modification plan. Failure to comply with the landscape conditions is a violation of the conditions of approval for this project.

P. All new development including structures, septic systems, or landscaping, shall not encroach on slopes steeper than 4:1.

Q. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded so it is directed downward and inward so that there is no offsite glare or lighting of natural habitat areas. Up-lighting is prohibited.

2. **UPON COMPLETION OF PLANTING**, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

-o0o-

If you have any questions regarding the above requirements, please contact the City Biologist office at your earliest convenience.

cc: Planning Project file
Planning Department

City of Malibu

23825 Stuart Ranch Road • Malibu, California 90265-4861
(310) 456-2489 • Fax (310) 456-3356 • www.malibucity.org

GEOTECHNICAL REVIEW SHEET

Project Information

Date:	June 20, 2025	**Review Log #:**	**4539**
Site Address:	6608 Portshead Road		
Lot/Tract/PM #:		**Planning #:**	**CDP 19-070 P4**
Applicant/Contact:	Kevin Poffenbarger, info@epd-net.com Nick Barsocchini, principal@barsocchini.com	**BPC/GPC #:**	
Contact Phone #:	310-241-6565; 310-456-3625	**Planner:**	**Austin Silva**
Project Type:	Remodel and additions, upgrade Onsite Wastewater Treatment System (OWTS)		

Submittal Information

Consultant(s) / Report Date(s): *(Current submittal(s) in **Bold**.)*	GeoConcepts, Inc. (Barrett, CEG 2088; Dermendjian, RCE 88261): **2-14-2025** GeoConcepts, Inc. (Barrett, CEG 2088): **2-17-2025**, 10-30-2018 EPD Consultants (Poffenbarger, RCE): **4-2-2025**, 5-5-2020, 12-27-2018 **4th Planning Submittal for Geology** **Architectural plans prepared by Barsocchini & Associates Designs dated March 17, 2025.** **Civil plans prepared by EPD Consultants dated October 10, 2024.** **OWTS plan prepared by EPD Consultants dated April 2, 2025.**
Previous Reviews:	10-9-2024, 7-30-2020, 5-12-2020; Ref: Environmental Health Review Sheets dated **6-12-2025**, 8-29-2024, 6-25-2020 and 10-14-2019.

Review Findings

Coastal Development Permit Review

☒ The development project is **ACCEPTABLE** from a geotechnical perspective.

☐ The development project is **NOT ACCEPTABLE** from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to acceptance.

Building Plan-Check Stage Review

☒ Awaiting Building plan check submittal.

☐ The plans are **COMPLETE** from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.

☐ The plans are **NOT COMPLETE** from a geotechnical perspective. The listed 'Building Plan-Check Stage Review Comments' shall be addressed prior to Building Plan-Check Stage completion.

Project submittals were reviewed from a geotechnical perspective for conformance with applicable codes, guidelines, and standards of practice, including the following current City adopted standards:

- City of Malibu Local Coastal Program – Land Use Plan and Local Implementation Plan (LCP-LUP and LCP-LIP)
- Malibu Municipal Code – Title 15, Buildings and Construction
- City of Malibu Guidelines for the Preparation of Geotechnical Reports and Procedures for Report Submittal (November 2013) referred to herein as Geotechnical Report Guidelines

In the case of conflicting requirements between the Geotechnical Guidelines and any other referenced standards, the latest standard will apply. The Applicant is responsible for complying with the submittal requirements for all Planning variances, as appropriate; any questions regarding variances should be directed to the case Planner.

Remarks:

The referenced update geotechnical report, update supporting geologic report for the OWTS, architectural plans, civil plans, addendum OWTS design report, and OWTS plans were reviewed by the City's consultants from a geotechnical perspective. Based on the submitted information, the proposed development includes constructing a 128 square foot uncovered patio addition to the residence, a 500 square foot addition to the main residence, a 256 square foot addition to the residence to connect the residence to the converted existing ADU to a master bedroom, and interior remodels to the guest house and detached 798 square foot garage to convert a portion of it to an ADU. Grading consists of 532 yards of R & R; 188 yards of cut under structure, 15 yards of cut non-exempt; and 203 yards of export. A new MicroSepTec Enviroserver ES12 treatment tank housed in a 3,634-gallon FRP tank with UV disinfection will be installed along with two existing seepage pits to be utilized as active seepage pits, consisting of two 5' diameter x 10' BI seepages pits (EP-1 and EP-2), two new active seepage pits consisting of two 6' diameter x 30' BI seepage pits with 10' caps (B-1 and B-4), and two future seepage pits consisting of two 6' diameter x 30' BI seepage pits with 10' caps (B-2 and B-3). No hardscape or landscaping are proposed.

The existing septic tank will be properly abandoned.

Building Plan-Check Stage Review Comments:

1. Considering the expansive nature of onsite materials, the Project Geotechnical Consultant needs to discuss the need for a sand layer underneath slabs-on-grade, the minimum thickness of slabs-on-grade, and the need for pre-saturation of upper grade materials.
2. Section 7.4 of the City's geotechnical guidelines requires a minimum thickness of 10 mils for vapor barriers beneath slabs-on-grade. The Project Geotechnical Engineer has recommended that the vapor barrier be a minimum thickness of 15 mils, conform to ASTM E1745 Class A requirements, and be installed in accordance with ASTM E1643. Building plans shall reflect the Consultant's recommendation.
3. Please reference the current Building Codes on the cover sheet of the plans.
4. Please include the name, address, and phone number of the Project Geotechnical Consultant on the cover sheet of the plans.
5. Indicate the bearing material and depth for all foundation types on the foundation plans in accordance with the recommendations by the Project Geotechnical Consultant.
6. Include the following note on all the Foundation Plans: "*All foundation excavations must be observed and approved by the Project Structural Engineer prior to placement of reinforcing steel.*"

7. Please include the following note on the grading and foundation plans and details: "*An evaluation of soil Expansion Index shall be made in accordance with Section 6.2.3 of the City of Malibu's Geotechnical Guidelines at the completion of grading by the Project Geotechnical Consultant. Grading and Foundation design recommendations should be revised if the expansion potential of finished grade materials substantially differs from the assumed expansion range.*"
8. Please include the following note on the grading and foundation plans and details: "*An evaluation of soil Corrosivity shall be made in accordance with Section 6.2.4 and Appendix C of the City of Malibu's Geotechnical Guidelines at the completion of grading by the Project Geotechnical Consultant. Final recommendations for mitigation measures including cement type should be based on the corrosion potential of the finished grade materials.*"
9. Include the following note in the grading and building plans: "*Prior to the placement of concrete slabs, the slab subgrade soils shall be pre-moistened to at least 120% above the optimum moisture content to the depth specified by the Project Geotechnical Consultant. The pre-moistened soils should be tested and verified by the Geotechnical Engineer within one day prior to the placement of the moisture barrier and sand.*"
10. Prior to final approval of the project, an as-built compaction report prepared by the Project Geotechnical Consultant must be submitted to the City for review. The report must include the results of all density tests, a dry density and optimum moisture maximum curve(s), a map depicting the limits of fill, locations of all density tests, locations and elevations of all removal bottoms, and the expansion index of the materials used for foundation embedment. Geologic conditions exposed during grading must be depicted on an as-built geologic map. This comment must be included as a note on the grading plans.
11. One set of final electronic grading and remodel and addition plans (**APPROVED BY BUILDING AND SAFETY**) incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet must be **reviewed and e-stamped and e-signed by the Project Geotechnical Engineer and Project Engineering Geologist**. The City's geotechnical consultants will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet.

Please direct questions regarding this review sheet to the City's geotechnical consultants listed below.

Geotechnical Engineering Review by: _____ *6-20-2025*
Matthew Janousek, G.E. #3005, Exp. 12-31-26 Date
Geotechnical Engineering Reviewer (805-370-8710)
Email: mjanousek@malibucity.org

Engineering Geology Review by: _____ *6-20-2025*
Christopher Dean, C.E.G. #1751, Exp. 9-30-26 Date
Engineering Geology Reviewer (408-656-3210)
Email: cdean@malibucity.org

This review sheet was prepared by representatives of Cotton, Shires and Associates, Inc., contracted through Cotton, Shires and Associates, Inc., as an agent of the City of Malibu.

COTTON, SHIRES AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS

City of Malibu

– GEOTECHNICAL –

NOTES FOR BUILDING PLAN-CHECK

The following standard items should be incorporated into Building Plan-Check submittals, as appropriate:

1. One set of grading and remodel/addition plans, incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet, must be submitted to City geotechnical staff for review. **Additional review comments may be raised at that time that may require a response.**
2. Show the name, address, and phone number of the Project Geotechnical Consultant(s) on the cover sheet of the Building Plans.
3. Include the following note on Grading and Foundation Plans: "*Subgrade soils shall be tested for Expansion Index prior to pouring footings or slabs; Foundation Plans shall be reviewed and revised by the Project Geotechnical Consultant, as appropriate.*"
4. Include the following note on the Foundation Plans: "*All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel."*
5. The Foundation Plans for the proposed project shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Project Geotechnical Consultant's recommendations.
6. Show the onsite wastewater treatment system on the Site Plan.
7. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.
8. A comprehensive Site Drainage Plan, incorporating the Project Geotechnical Consultant's recommendations, shall be included in the Plans. Show all area drains, outlets, and non-erosive drainage devices on the Plans. Water shall not be allowed to flow uncontrolled over descending slopes.

Grading Plans (as Applicable)

1. Grading Plans shall clearly depict the limits and depths of overexcavation, as applicable.
2. Prior to final approval of the project, an as-built compaction report prepared by the Project Geotechnical Consultant must be submitted to the City for review. The report must include the results of all density tests as well as a map depicting the limits of fill, locations of all density tests, locations and elevations of all removal bottoms, locations and elevations of all keyways and back drains, and locations and elevations of all retaining wall backdrains and outlets. Geologic conditions exposed during grading must be depicted on an as-built geologic map. This comment must be included as a note on the grading plans.

Retaining Walls (As Applicable)

1. Show retaining wall backdrain and backfill design, as recommended by the Geotechnical Consultant, on the Plans.
2. Retaining walls separate from a residence require separate permits. Contact the Building and Safety Department for permit information. One set of retaining wall plans shall be submitted to the City for review by City geotechnical staff. Additional concerns may be raised at that time which may require a response by the Project Geotechnical Consultant and applicant.

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-7650

PUBLIC WORKS REVIEW
REFERRAL SHEET

TO: Public Works Department

FROM: City of Malibu Planning Department **REVISED DATE** 08/22/2024

PROJECT NUMBER:	ACDP 19-070
JOB ADDRESS:	6608 PORTSHEAD RD
APPLICANT / CONTACT:	Kevin Poffenbarger, EPD Consultants, Inc
APPLICANT ADDRESS:	20722 Main Street Carson, CA 90745
APPLICANT PHONE #:	(310) 241-6565
APPLICANT FAX #:	
APPLICANT EMAIL:	info@epd-net.com
PROJECT DESCRIPTION:	Remodel/addition and updated OWTS *ATF partial conversion of garage into habitable space*

TO: Malibu Planning Department and/or Applicant

FROM: Public Works Department

_____ The following items described on the attached memorandum shall be addressed and resubmitted.

X The project was reviewed and found to be in conformance with the City's Public Works and LCP policies and CAN proceed through the Planning process.

09/18/2024

SIGNATURE DATE

NO BUILDING PLAN CHECK REVIEW REQUIRED.

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 website: www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Staff

FROM: City of Malibu Planning Staff **REVISED DATE** 05/12/2025

PROJECT NUMBER: ACDP 19-070

JOB ADDRESS: 6608 PORTSHEAD RD

APPLICANT / CONTACT: Kevin Poffenbarger, EPD Consultants, Inc

APPLICANT EMAIL: info@epd-net.com

PROJECT DESCRIPTION: Remodel/addition and updated OWTS *ATF partial conversion of garage into habitable space*

REVISION:

TO: Malibu Planning Department and/or Applicant

FROM: Malibu Environmental Health Staff

✓ **Conformance Review Complete** for project submittals reviewed with respect to the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Municipal Code (MMC). The Conditions of Planning conformance review and plan check review comments listed on the attached review sheet(s) (or else handwritten below) shall be addressed prior to plan check approval.

Building Plan Check (BPC) Required ☑ Yes ☐ No BPC Fees Req'd $_____

_____ **Conformance Review Incomplete** for the City of Malibu LCP/LIP and MMC. The Planning stage review comments listed on the City of Malibu Environmental Health review sheet(s) shall be addressed prior to conformance review completion.

OWTS Plot Plan: ☐ **NOT REQUIRED**

☑ **REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Signature 6/12/2025

Signature **Date**

The applicant must submit to City of Malibu Environmental Health Staff to determine whether or not an onsite wastewater treatment system (OWTS) Plot Plan approval is required.

Public Counter hours for Environmental Health staff are Tuesdays and Thursdays, 8:00 AM – 12:00 PM.

City of Malibu

Environmental Health ● Environmental Sustainability Department
23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Kevin Poffenbarger info@epd-net.com		
Project Address:	**6608 Portshead Road** Malibu, California 90265		
Planning Case No.:	CDP 19-070		
Project Description:	Remodel/addition and updated OWTS		
Date of Review:	June 12, 2025		
Reviewer:	Matt Janousek	Signature:	
Contact Information:	Phone: (310) 456-2489	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	Studio Bracket: Plans dated 9-6-2019, **3-17-2025**
Grading Plans:	EPD: Plans dated 12-20-2018, **10-10-2024**
OWTS Plan:	EPD: OWTS plan dated 12-28-2018; 5-16-2024, **4-2-2025**
OWTS Report:	EPD: OWTS reports dated 12-28-2018 **4-2-2025**, **5-5-2020**; Hydraulic Load Test reports dated 12-27-2018, 10-10-2024,
Geology Report:	GeoConcepts: OWTS report dated 10-30-2018, **2-17-2025**
Miscellaneous:	
Previous Reviews:	10-14-2019, 6-25-2020, 8-29-2024

REVIEW FINDINGS

Planning Stage:	☒	**CONFORMANCE REVIEW COMPLETE** for the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP) and Malibu Municipal Code (MMC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.
	☐	**CONFORMANCE REVIEW INCOMPLETE** for the City of Malibu LCP/LIP and MMC. The listed Planning stage review comments shall be addressed prior to conformance review completion.
OWTS Plot Plan:	☐	**NOT REQUIRED**
	☒	**REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Based upon the project description and submittal information noted above, a **conformance review** was completed for a new advanced onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed advanced OWTS meets the minimum requirements of the Malibu Municipal Code (MMC) and the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the subject development project. In order to obtain Environmental Health final approval of the project OWTS Plot Plan and associated construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

Conditions of Planning Conformance Review for Building Plan Check Approval:

1) **OWTS on Project Plans:** The final project site plans (architectural and grading) must show the proposed onsite wastewater treatment system (OWTS), including the treatment tank, present/future dispersal area(s), and all lines of connection to the residence. The plans must also show the existing OWTS septic tank labeled "to be abandoned" as applicable.

2) **Building Plans:**

    a. All project plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

    b. The final architectural floor plans must show 3 bedrooms and 36 drainage fixture units (DFU) for the main house and 1 bedroom and 9 DFU for the garage/guest house, or as otherwise indicated by the OWTS designer in the final design report. Currently, the floor plans show a 3 bedroom and 39 DFU main house.

    c. If low flow water closets (i.e., toilets) will be utilized to lower the DFU count, then please provide the make and model number of the water closet that is ANSI approved and incorporate the low flow specification sheet into the final architectural plan set and update the Certified Fixture Unit Worksheet to reflect the updated fixture unit value count.

3) **Final Onsite Wastewater Treatment System (OWTS) Plot Plan:** A final plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP)/Local Implementation Plan (LIP). The plans must include all necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The OWTS Plot Plan shall show essential features of the OWTS, existing improvements, and proposed/new improvements. The plot plan must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend.

4) **Final OWTS Design Report, Plans, and System Specifications:** A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS. All plans and reports must be signed by a City Registered OWTS Designer, and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).

    The final OWTS design submittal shall contain the following information (in addition to the items listed above).

    a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day (gpd), and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture units, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms.

Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.

b. Sewage and effluent pump design calculations (as applicable).

c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter, ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and the design basis for engineered systems.

d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit, subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day (gpd) and gallons per square foot per day (gpsf). Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gpd). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units, and building occupancy characteristics.

e. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health). [Note: For OWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.]

5) **Existing OWTS to be Abandoned:** Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the Malibu Municipal Code.

6) **Worker Safety Note and Abandonment of Existing OWTS:** The following note shall be added to the plan drawings included with the OWTS final design: "*Prior to commencing work to abandon, remove, or replace existing Onsite Wastewater Treatment System (OWTS) components an "OWTS Abandonment Permit" shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal, or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents.*"

7) **Proof of Ownership:** Proof of ownership of subject property shall be submitted.

8) **Operations & Maintenance Manual:** An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.

9) **Maintenance Contract:** A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed advanced onsite wastewater treatment system shall be submitted prior to Environmental Health approval. ***Please note only original "wet* signature" documents are acceptable**.

10) **Advanced Onsite Wastewater Treatment System (OWTS) Covenant:** A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the OWTS serving subject property is an advanced method of sewage disposal pursuant to the City of Malibu Municipal Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. ***Please submit a certified* copy issued by the City of Malibu Recorder**.

11) **Storm Water Pollution Prevention Plan (S.W.P.P. Plan):** A SWPP Plan shall be submitted during the building plan check stage review. The plan must show the proposed OWTS components.

12) **Project Geologist/Geotechnical Consultant Approval:** Project Geologist/Geotechnical Consultant final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

13) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu geotechnical staff final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

14) **City of Malibu Public Works Approval:** City of Malibu Public Works final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

15) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the OWTS plan shall be obtained.

16) **Environmental Health Final Review Fee:** A final fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health review of the OWTS design and system specifications.

17) **Operating Permit Application and Fee:** In accordance with Malibu Municipal Code, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

-o0o-

If you have any questions regarding the above requirements, please contact the Environmental Health office at your earliest convenience.

cc: Environmental Health file
Planning Department

6608 PORTSHEAD ROAD (CDP 19-070)
MALIBU, CA 90265

S.F.D.:	3 BR/33 FU - 3 BR/36 FU (R)
GUEST HOUSE/GARAGE:	1 Bedroom/9 Fixture Units (N)
TREATMENT TANK:	3,634 Gallon MicroSepTec ES-12 w/UV Disinfection (N)
ACTIVE:	2 - 5' x 10' BI (E) (exist; EP-1,EP-2)
	2 - 6' x 30' BI w/10' Cap (N) (proj; B-1,B-4)
FUTURE:	2 - 6' x 30' BI w/10' Cap (F) (proj; B-2,B-3)
PERC RATE:	300 gpd (exist; EP-1)
	310 gpd (exist; EP-2)
	4,200 gpd/7.4 gpsf (proj; B-1)
	4,767 gpd/8.4 gpsf (proj; B-2)
	3,177 gpd/5.6 gpsf (proj; B-3)
	3,687 gpd/6.5 gpsf (proj; B-4)
DESIGNER:	Kevin Poffenbarger, RCE 69089
REFERENCE:	EPD: OWTS design reports dated 12-28-2018, 5-5-2020, 1-23-2024, 4-2-2025
	GeoConcepts: OWTS geology report dated 10-30-2018, 2-17-2025

NOTES:

1. This conformance review is for an addition/remodel to an existing single-family dwelling, a new guest house/garage and a new advanced onsite wastewater treatment system (OWTS). The new OWTS conforms to the requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP).

2. This review relates only to the minimum requirements of the MMC, and the LCP, and does not include an evaluation of any geological or other potential problems, which may require an alternative method of review treatment.

3. This review is valid for one year, or until MMC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT.
ENVIRONMENTAL HEALTH

CONFORMANCE REVIEW

SIGNATURE: DATE: 6/12/2025

THIS IS NOT AN APPROVAL. FINAL APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS

KEY:
- PROPERTY LINE
- EASEMENT
- (E) STRUCTURE
- (P) RESIDENCE ADDITION
- (P) SS PIPES (GRAVITY)
- (P) SS PIPES (AIR)
- (P) SS PIPES (VENT)
- (P) SS PIPES (ELECTRICAL)
- (E) SS PIPES (GRAVITY)

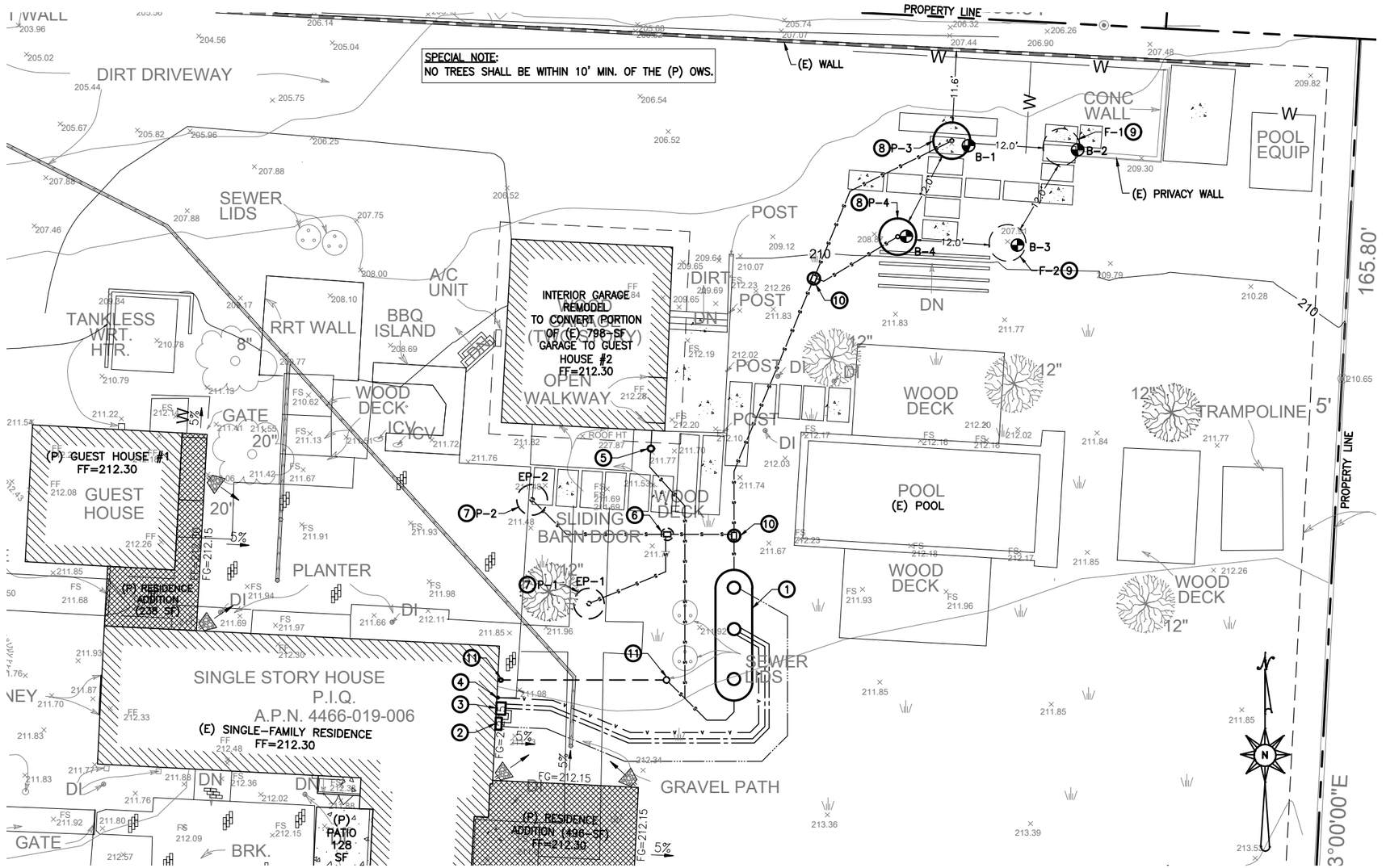
- (P) PRESENT SEEPAGE PIT LOCATION
- (E) SEEPAGE PIT
- (P) FUTURE SEEPAGE PIT
- APPROX. LOCATION OF BORING (B-X) PER GEOCONCEPTS, INC. REPORT, DATED OCTOBER 30, 2018

ABBREVIATIONS:

(E)	EXISTING
(P)	PROPOSED
BI	BELOW INLET
FF	FINISHED FLOOR
FG	FINISHED GRADE
FS	FINISHED SURFACE
OWS	ONSITE WASTEWATER SYSTEM
SS	SANITARY SEWER
TBD	TO BE DETERMINED

NOTES:
1. ONSITE WASTEWATER SYSTEM DEMOLITION PLAN PER DETAIL 1, SHEET W0.00.
2. ONSITE WASTEWATER SYSTEM GENERAL NOTES PER DETAIL 5, SHEET W0.00.
3. ONSITE WASTEWATER SYSTEM FLOW SCHEMATIC PER DETAIL 3, SHEET W0.00.
4. ONSITE WASTEWATER SYSTEM CALCULATIONS PER DETAIL 4, SHEET W0.00.
5. ONSITE WASTEWATER SYSTEM KEYNOTES PER DETAIL 2, SHEET W0.00.
6. ONSITE WASTEWATER SYSTEM SEEPAGE PIT ELEVATION PER DETAIL 6, SHEET W0.00.

SOILS NOTE:
THE PROJECT ENGINEERING GEOLOGIST SHALL OBSERVE AND APPROVE THE INSTALLATION OF THE SEEPAGE PITS AND PROVIDE THE CITY INSPECTOR WITH A FIELD MEMORANDUM(S) DOCUMENTING AND VERIFYING THAT THE SEEPAGE PITS WERE INSTALLED PER THE APPROVED OWTS PLANS.



1 ONSITE WASTEWATER SYSTEM (OWS) SITE PLAN

Scale: 1"=20'

GRAPHIC SCALE: 1"=20'

EPD consultants
sustainable water systems & solutions
20722 MAIN STREET
CARSON, CA 90745
Phone (310) 241-6565
Fax (310) 241-6566

REGISTERED PROFESSIONAL ENGINEER
KEVIN L. POFFENBARGER
No. 69089
CIVIL
STATE OF CALIFORNIA

▽ NO.	REVISIONS:	DATE:	BY:
1	PC COMMENTS	5/16/24	BS
2	PC COMMENTS	10/10/24	CB
3	NEW ARCH PLANS	4/2/25	MD

SHEET TITLE: ONSITE WASTEWATER SYSTEM (OWS) SITE PLAN

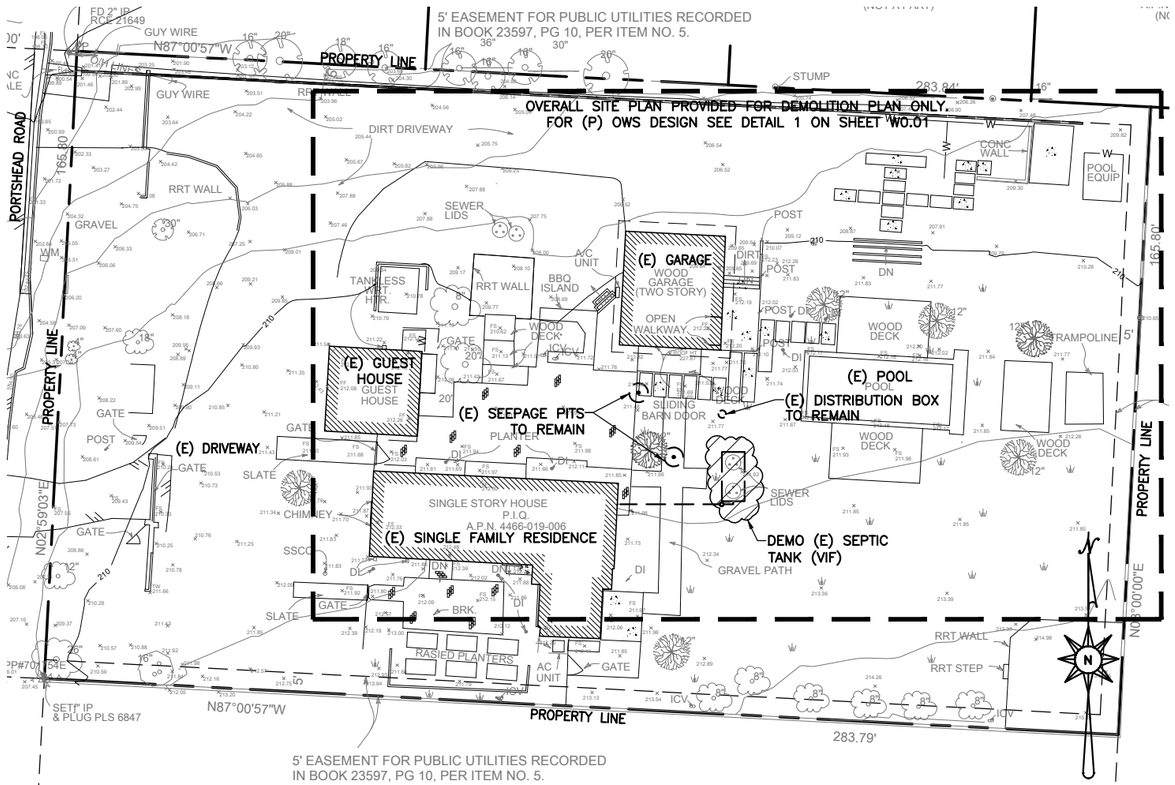
PROJECT: 6608 PORTSHEAD ROAD MALIBU, CA 90265

DATE	SCALE	DRAWN BY
6/20/22	AS_SHOWN	AS

PROJECT NO. G795

DRAWING NO. W0.01

SHEET 2 OF 2 SHEETS



1 EXISTING ONSITE WASTEWATER SYSTEM DEMOLITION PLAN

Scale: 1"=40'

40' 0' 40' 80'

GRAPHIC SCALE: 1"=40'

SOILS NOTE:
THE PROJECT ENGINEERING GEOLOGIST SHALL OBSERVE AND APPROVE THE INSTALLATION OF THE SEEPAGE PITS AND PROVIDE THE CITY INSPECTOR WITH A FIELD MEMORANDUM(S) DOCUMENTING AND VERIFYING THAT THE SEEPAGE PITS WERE INSTALLED PER THE APPROVED OWTS PLANS.

1. (P) MICROSEPTEC ENVIROSERVER ES12 TREATMENT TANK HOUSED IN A 3,634-GALLON FIBERGLASS REINFORCED PLASTIC (FRP) TANK PROVIDED BY THE MFR, W/ EFFLUENT FILTER, UV DISINFECTION, LOW HEAD DUPLEX EFFLUENT PUMPS (OPTIONAL), TELEMETRY CONTROLS, AND THREE (3) 24"ø FRP LIDS/RISERS TO GRADE, SPECIFIED GAS AND WATER TIGHT AND VENTED TO THE ROOF PER MPC.
2. (P) MICROSEPTEC TELEMETRY CONTROL PANEL. REQUIRES POWER TO PANEL AND DEDICATED IP ADDRESS, INTERNET CONNECTIONS TO BE VERIFIED BY THE MFR. LICENSED ELECTRICIAN TO DETERMINE NUMBER AND SIZING OF WIRES.
3. (P) MICROSEPTEC HIBLOW HP-120LL AIR COMPRESSOR (TYP. OF 2) IN ABOVE GROUND ENCLOSURE FURNISHED BY CONTRACTOR PER MFR SPECIFICATIONS.
4. (P) ENVIROSERVER ES12 AIR VENT W/ 3"ø SCH 40 PVC AIR VENT LINE TO ROOF PER MPC.
5. (P) GRAVITY CLEANOUT TO GRADE.
6. (E) DISTRIBUTION BOX. REUSE OR REPLACE, AS NECESSARY. CONSTRUCT ONE (1) 24"ø WATERTIGHT LID, RISER AND MANHOLE TO GRADE OR APPROVED EQUAL.
7. TWO (2) EXISTING PRESENT SEEPAGE PITS TO REMAIN IN USE. SEE DETAILS 4 AND 6 ON SHEET W0.00. CONSTRUCT 8"ø INSPECTION PORTS IN ENCLOSURES TO GRADE.
8. (P) TWO (2) NEW SEEPAGE PITS. SEE DETAILS 4 AND 6 ON SHEET W0.00.
9. (P) TWO (2) NEW FUTURE SEEPAGE PITS. SEE DETAILS 4 AND 6 ON SHEET W0.00.
10. (P) JENSEN PRECAST CONCRETE MODEL D5 DISTRIBUTION BOX INSTALLED WITH ONE (1) 24"ø WATERTIGHT LID, RISER AND MANHOLE TO GRADE OR APPROVED EQUAL. NUMBER OF OUTLETS PER PLAN.

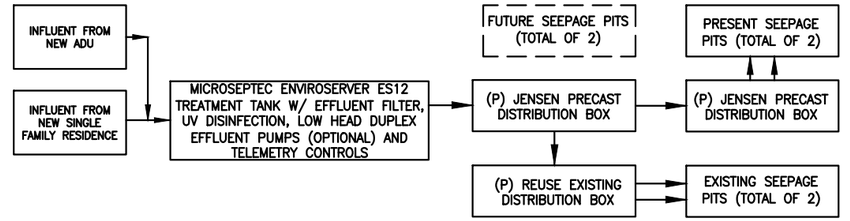
2 ONSITE WASTEWATER SYSTEM KEYNOTES

Scale: N.T.S.

KEY:

- PROPERTY LINE
- EASEMENT
- (E) BUILDINGS
- (E) SEPTIC COMPONENTS
- (P) SEPTIC DEMOLITION
- (E) SEEPAGE PIT APPROX. LOCATION

PRELIMINARY - NOT FOR CONSTRUCTION



3 ONSITE WASTEWATER SYSTEM PROCESS FLOW SCHEMATIC

Scale: N.T.S.

TOTAL BEDROOMS: 4
TOTAL DRAINAGE FIXTURE UNITS: 45

SINGLE-FAMILY RESIDENCE: 3 BEDROOMS
1 BEDROOM @ 300 GPD/BED = 300 GPD
2 BEDROOMS @ 150 GPD/BED = 450 GPD

ACCESSORY DWELLING UNIT: 1 BEDROOM
1 BEDROOM @ 150 GPD/BED = 150 GPD

PEAK DESIGN DAILY FLOWRATE: 900 GPD
AVERAGE DESIGN DAILY FLOWRATE: 500 GPD
STRENGTH OF SEPTIC TANK EFFLUENT: 200mg/L OR LESS

NEW MICROSEPTEC ES12 TERTIARY TREATMENT TANK: 3,634 GALLONS

MIN. SEPTIC TANK CAPACITY (MMC TABLE 15.42.070): 1,500-GALLONS (BASED UPON BEDROOM COUNT ONLY)
MIN. SEPTIC TANK CAPACITY (MMC TABLE 15.42.070): 2,000-GALLONS (BASED UPON DFU COUNT ONLY)

SEEPAGE PIT CAPACITY (PRESENT AND FUTURE): 7,500-GALLONS (BASED UPON BEDROOM COUNT ONLY)

EFFLUENT DISPERSAL:
PERC RATE PRESENT: B-1 = 4,200 GPD/6'ø PIT
B-4 = 3,687 GPD/6'ø PIT
EP-1 = 300 GPD/5'ø PIT
EP-2 = 300 GPD/5'ø PIT
TOTAL = 8,487 GPD/2-6'ø PITS/2-5'ø PITS

PERC RATE FUTURE: B-2 = 4,767 GPD/6'ø PIT
B-3 = 3,177 GPD/6'ø PIT
TOTAL = 7,944 GPD/2-6'ø PITS

(PER EPD CONSULTATNS, INC. HYDRAULIC LOAD TEST REPORT, DATED DECEMBER 27, 2018; AND GEOCONCEPTS, INC. ONSITE WASTEWATER TREATMENT SYSTEM REPORT, DATED OCTOBER 30, 2018)

PRESENT SEEPAGE PITS: 4 TOTAL
(2) 6'ø X 30' BI PITS W/ 10' CAP DEPTHS FROM EG @ B-1 & B-4
(2) 5'ø X 10' BI PITS W/ TBD CAP DEPTHS FROM EG @ EP-1 & EP-2

FUTURE SEEPAGE PITS: 2 TOTAL
(2) 6'ø X 30' BI PITS W/ 10' CAP DEPTHS FROM EG @ B-2 & B-3

PEAK DESIGN DISPERSAL LOADING RATE: 0.62 GPD/SF
AVERAGE DESIGN DISPERSAL LOADING RATE: 0.35 GPD/SF

4 ONSITE WASTEWATER SYSTEM CALCULATIONS

Scale: N.T.S.

1. THESE PLANS ARE ACCURATE FOR PROPOSED ONSITE WASTEWATER SYSTEM (OWS) ONLY. ALL SEPTIC LINES SHOWN HEREIN ARE APPROXIMATE LOCATIONS.
2. ARCHITECTURAL/SITE SURVEY PROVIDED BY LAND & AIR SURVEYING, DATED JUNE 3, 2024. ARCHITECTURAL PLANS PROVIDED BY BARSOCCHINI & ASSOCIATES DESIGNS, DATED DECEMBER 17, 2024. ELEVATIONS ARE APPROXIMATE PER THE REFERENCED PLANS AND PROVIDED IN NAVD88 DATUM. CONTRACTOR TO VERIFY EXACT LOCATION OF PROPERTY LINES.
3. ALL BORINGS (B-X) ARE APPROX. LOCATIONS PER GEOCONCEPTS, INC. ONSITE WASTEWATER TREATMENT SYSTEM REPORT, DATED OCTOBER 30, 2018.
4. CONTRACTOR SHALL FOLLOW ALL REQUIREMENTS OF PROJECT FINAL FULL SIZE PLANS & SPECIFICATIONS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN THE FINAL FULL SIZE PLANS & SPECIFICATIONS FROM THE SYSTEM ENGINEER PRIOR TO PROCEEDING WITH WORK.
5. (E) SEPTIC TANK SHALL BE ABANDONED, REMOVED OR DEMOLISHED AS NECESSARY BY THE CONTRACTOR PER THE MPC. SEE THE OWS DEMOLITION PLAN PER DETAIL 1 ON THIS SHEET. ALL (E) SEPTIC COMPONENTS ARE APPROX. LOCATIONS PER THE CITY OF MALIBU SEPTIC APPROVAL, DATED FEBRUARY 19, 2015; AND PER THE ARCHITECTURAL/SITE SURVEY PROVIDED BY LAND AND AIR SURVEYING, DATED APRIL 1, 2022. REMOVAL OF ALL EXISTING SEPTIC SYSTEM COMPONENTS SHALL FOLLOW ASTM D1557 AND BE EXECUTED IN ACCORDANCE WITH APPLICABLE OSHA AND CAL/OSHA STANDARDS. PRIOR TO COMMENCING WORK TO ABANDON, REMOVE, OR REPLACE EXISTING OWS COMPONENTS AN "OWS ABANDONMENT PERMIT" SHALL BE OBTAINED FROM THE CITY OF MALIBU. ALL WORK PERFORMED IN THE OWS ABANDONMENT, REMOVAL, OR REPLACEMENT AREA SHALL BE PERFORMED IN STRICT ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL ENVIRONMENTAL AND OCCUPATIONAL SAFETY AND HEALTH REQUIREMENTS. THE OBTAINMENT OF ANY SUCH REQUIRED PERMITS OR APPROVALS FOR THIS SCOPE OF WORK SHALL BE THE RESPONSIBILITY OF THE APPLICANT AND THEIR AGENTS.

5 OWS GENERAL NOTES

Scale: N.T.S.

	SEEPAGE PIT #	PERC.TEST BORING PIT #	SEEPAGE PIT DEPTH (FT)	EXISTING GRADE (EG) (FT)	FINISHED GRADE @PIT (FG) (FT)	CAP DEPTH FROM EG (FT)	CAP DEPTH FROM FG (FT)	CAP DEPTH ELEVATION (FT)	SURFACE ELEVATION @ 15-FT DAYLIGHT (FT)	BELOW INLET (BI) DEPTH (FT)	BOTTOM OF PIT ELEVATION (FT)	GROUNDWATER ELEVATION (FT)	GROUNDWATER SEPARATION (FT)
PRESENT SEEPAGE PITS	P-1	EP-1	TBD	211.50	211.50	TBD	TBD	TBD	211.00	10.00	TBD	157.00	>10.00
	P-2	EP-2	TBD	211.50	211.50	TBD	TBD	TBD	211.00	10.00	TBD	157.00	>10.00
	P-3	B-1	40.00	208.00	208.00	10.00	10.00	198.00	206.00	30.00	168.00	157.00	11.00
	P-4	B-4	40.00	209.00	209.00	10.00	10.00	199.00	208.00	30.00	169.00	157.00	12.00
FUTURE SEEPAGE PITS	F-1	B-2	40.00	208.00	208.00	10.00	10.00	198.00	206.00	30.00	168.00	157.00	11.00
	F-2	B-3	40.00	209.00	209.00	10.00	10.00	199.00	208.00	30.00	169.00	157.00	12.00

6 ONSITE WASTEWATER SYSTEM SEEPAGE PIT ELEVATIONS

Scale: N.T.S.

EPD consultants
sustainable water systems & solutions
20722 MAIN STREET
CARSON, CA 90745
Phone (310) 241-6565
Fax (310) 241-6566

REGISTERED PROFESSIONAL ENGINEER
KEVIN L. POFFENBARGER
No. 69089
CIVIL
STATE OF CALIFORNIA

NO.	REVISIONS:	DATE:	BY:
1	PC COMMENTS	5/16/24	BS
2	PC COMMENTS	10/10/24	CB
3	NEW ARCH PLANS	4/2/25	MD

ADDRESS:
6608 PORTSHEAD ROAD
MALIBU, CA 90265

SHEET TITLE:
ONSITE WASTEWATER SYSTEM (OWS) SITE PLAN

PROJECT:
6608 PORTSHEAD ROAD

DATE	SCALE	DRAWN BY
6/20/22	AS_SHOWN	AS

PROJECT NO.
G795

DRAWING NO.
W0.00

SHEET 1 OF 2 SHEETS

LOS ANGELES COUNTY WATERWORKS DISTRICTS *

P. O. Box 1460
Alhambra, CA 91802
Telephone: (626) 300-3306

260 East Avenue K-8
Lancaster, CA 93535
Telephone: (661) 942-1157

23533 Civic Center Way
Malibu, CA 90265
Telephone: (310) 317-1389

TO:

☐ Los Angeles County
Department of Public Health
Environmental Health:
Drinking Water / Land Use Program
5050 Commerce Drive
Baldwin Park, CA 91706-1423

☐ Los Angeles County
Department of Public Works
Building & Safety Division

☐ Los Angeles County
Fire Department

☐ City of Lancaster
Building Department
44933 N. Fern Ave.
Lancaster, CA 93534

☒ City of Malibu
Building Department
23815 W. Stuart Ranch Rd.
Malibu, CA 90265

☐ City of Palmdale
Building Department
38300 N. Sierra Hwy.
Palmdale, CA 93550

RE: **6608 PORTSHEAD ROAD** (Address) **MALIBU** (City) **90265** (Zip Code)

APN # 4469-038-038

Los Angeles County Waterworks District No. 29

***Will serve* water to the above *single lot* property subject to the following conditions:**

☐	Annexation of the property into Los Angeles County Waterworks District is required. **Water service to this property will not be issued until the annexation is completed.**
☐	The appropriate fees must be paid to the District and other related water agencies.
☒	The appropriate service connection fees have been paid to Waterworks Districts for the existing 1" service connection.
☒	The property has an existing 1" water meter. Meter and service upgrade may be required to comply with WWD Rules and Regulations 1-H-16d.
☐	The appropriate connection fees have been paid to Waterworks Districts for the proposed service.
☐	Water system improvements will be required to be installed by the developer subject to the requirements set by the Fire Department and the District.
☒	Water meter serving the property must be installed in accordance with Waterworks' District standards.
☒	Public water system and sewage disposal system must be in compliance with Health Department separation requirements.
☐	A portion of the existing fronting water main may be required to be replaced or upgraded if the water service tap cannot be made or if damage occurs to the water main.
☒	Property may experience low water pressure and / or shortage in high demand periods.
☐	The District **CAN NOT** serve water to this property at this time.
☒	Must comply with and satisfy City of Malibu requirements in order to obtain Water Service.
☒	A USC approved backflow device is required for this property and is to be installed and maintained by the property owner and tested annually.
☒	This Will Serve Letter is for 894 sq. ft. addition to existing structures. FEPC2024-1631.

By: _____ (Signature) | William Johnson (Print Name) | Senior Civil Engineer | (310) 317-0209 (Phone Number) | 3-19-2025 (Date)

**** THIS WILL SERVE LETTER WILL EXPIRE ONE YEAR AFTER THE DATE OF ISSUANCE.***

Rev. 06/09

City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone (310) 456-2489
www.malibucity.org

COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF APPLICATION

Insert Mailmerge Fields here

ATTACHMENT 3

NOTICE OF APPLICATION

NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for the project described below:

ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 19-070, SITE PLAN REVIEW NO. 26-035, AND DEMOLITION PERMIT NO. 19-039 - An application for the construction of a 1,104 square-foot single-story addition to an existing single-family residence and guesthouse, new onsite wastewater treatment system, after-the-fact remodel to an existing detached garage, and exterior wall demolition resulting in approximately 49 percent and 22 percent demolition of the lineal feet of the single-family residence and guesthouse, respectively; including a site plan review for construction in excess of 18 feet in height up to a maximum of 18 feet, 2 inches for a pitched roof

LOCATION / APN:	**6608 Portshead Rd / 4466-019-006**
ZONING:	Rural Residential, One-Acre (RR-1)
APPLICANT / OWNER:	EPD Consultants, Inc / 6608 Portshead Road Trust
APPEALABLE TO:	Planning Commission
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Sections 15301(e) and 15303(e)
APPLICATION FILED:	October 1, 2019
CASE PLANNER:	Alexander da Silva, Associate Planner, adasilva@malibucity.org / (310) 456-2489, ext. 314

PUBLIC COMMENT PERIOD - Related documents are available for review at City Hall during regular business hours. Written comments, concerns, or questions may be presented to the Community Development Department at any time prior to the issuance of a decision. On or after October 27, 2026, the Community Development Director may issue a decision on the permit application. A Notice of Decision will be mailed to owners and residents within 500 feet of the perimeter of the subject property and to those who request such notification in writing prior to issuance of the decision.

REPORTING - The Community Development Director's decision on this permit application is tentatively scheduled to be reported to the Planning Commission at its regular meeting on November 2, 2026. Copies of the agenda report, including the approved or denied permit, will be available at or before the meeting, typically 10 days before the meeting in the Agenda Center: http://www.malibucity.org/agendacenter. Related documents are available for review at City Hall during regular business hours. An approved permit shall not become effective until completion of the Planning Commission reporting.

LOCAL APPEAL - A decision or any portion of the decision made by the Community Development Director may be appealed to the Planning Commission. Should a decision be issued on October 27, 2026, the appeal period would expire on Friday, November 6, 2026 at 4:30 p.m. Appeal forms may be found online at www.malibucity.org/planningforms or in person at City Hall, or by calling (310) 456-2489, extension 246.

YOLANDA BUNDY, Community Development Director

Date: October 1, 2026