



Council Agenda Report

To: Mayor Riggins and the Honorable Members of the City Council

Prepared by: Richard Rojas, Deputy City Manager

Approved by: Rob DuBoux, Acting City Manager

Date prepared: November 20, 2025 Meeting date: January 12, 2026

Subject: Proposal for a Council Policy to Facilitate the Expeditious, Efficient and Economical Rebuild of all Structures in the City Destroyed or Materially Damaged by Wildfire, Earthquake, Flood, Landslide, Mudslide or Similar Disaster in Substantially the Same Location as the Destroyed or Damaged Structure and in a Like-for-Like Manner that Does Not Exceed 110% of the Area, Height or Bulk of the Structure Destroyed or Materially Damaged (a "Like-for-Like Disaster Rebuild"). (Mayor Pro Tem Silverstein and Councilmember Conrad) (Continued from December 8, 2025)

RECOMMENDED ACTION: At the request of Mayor Pro-Tem Silverstein and Councilmember Conrad, discuss and provide direction on the attached resolution.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

DISCUSSION: City Manager's Note: The attached resolution in this report was provided by Mayor Pro Tem Silverstein and Councilmember Conrad. This report does not contain analysis or recommendations prepared by the staff.

ATTACHMENTS: Proposed Resolution

PROPOSED CITY COUNCIL POLICY RESOLUTION

RESOLUTION NO. 25-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU DECLARING THE CITY'S POLICY RESPECTING LIKE-FOR-LIKE DISASTER REBUILDS AND DIRECTING THE CITY TO TAKE VARIOUS ACTIONS IN ACCORDANCE WITH THAT POLICY

THE CITY COUNCIL OF THE CITY OF MALIBU HEREBY RESOLVES AS FOLLOWS:

The City Council of the City of Malibu (the "City Council") hereby declares that it is the policy of the City of Malibu (the "City") to facilitate the expeditious, efficient and economical rebuild of all structures in the City destroyed or materially damaged by wildfire, earthquake, flood, landslide, mudslide or similar disaster in substantially the same location as the destroyed or damaged structure and in a like-for-like manner that does not exceed 110% of the area, height or bulk of the structure destroyed or materially damaged (a "Like-for-Like Disaster Rebuild").

In furtherance of the foregoing City policy, the City Council directs the following:

1. The City shall take all necessary and appropriate action to ensure that no person or entity employed by, or contracted to provide services to, the City (the "City Staff") imposes any requirement that does not exist under applicable federal, state, county, or other law (including the Malibu Municipal Code or "MMC")) for the approval and issuance of a planning verification (a "PV"), the completion of a plan check, the approval and issuance of a building permit, or the approval and issuance of any other permit required to be issued by the City for a Like-for-Like Disaster Rebuild. In so doing, any doubt respecting the application of a legal requirement or the manner if its application respecting any Like-for-Like Disaster Rebuild shall be resolved in favor of the City's policy to facilitate the expeditious, efficient and economical design and construction of structures destroyed or materially damaged by wildfire,

earthquake, flood, landslide, mudslide or similar disaster as a Like-for-Like Disaster Rebuild. To that end, whenever there is a difference of opinion on an issue that the Director of the Community Development Department (the “CDD Director”) recognizes to be a difference of opinion upon which reasonable professional civil engineers might differ, the City Staff shall defer to the stamped and certified decision of the civil engineer employed by an applicant so long as such civil engineer is a California licensed civil engineer experienced in the particular practice that is implicated by the item in controversy (e.g., structural, geotechnical, electrical, coastal, environmental, etc.).

2. Every reasonable and legally permissible effort must be pursued to liberalize the process of securing building code approval for Like-for-Like Disaster Rebuilds. As such, the City shall identify requirements of the building code that may impede the efficient, expeditious, and economical design and construction of Like-for-Like Disaster Rebuilds (especially where the property is on the beach or an area that has exhibited historical geological instability) and explore ways to overcome such impediments, such as, for example, eliminating the need for geotechnical analysis for Like-for-Like Disaster Rebuilds to be reconstructed on flat pads where pre-existing data provides a sufficient basis for the property owner’s geotechnical engineer to be satisfied respecting slope stability and other factors and the property owner is willing to assume the risk of an undetected issue. Additionally, efforts should be pursued to secure the Governor’s further relaxation of the building code for requirements that do not provide a real and necessary foundation for safety. Among other things, efforts must be pursued to permit residents to use pre-existing foundations and septic systems that were not destroyed by the Palisades Fire. And, if practicable, the process for obtaining proof of geological stability in previously developed areas of historic instability needs to be streamlined.

3. All improvements to the process of applying for and obtaining approval for the design and construction of Like-for-Like Disaster Rebuilds, which the CDD Director presented to the City Council at the Special Meeting of the City Council on October 15, 2025 shall be implemented in an expeditious manner, and the City Manager, or such other person the City Manager might designate, shall provide a status report to the City Council of the implementation of the improvements

at each Regular Meeting of the City Council until such time as all such improvements have been implemented.

4. When dealing with an application respecting a Like-for-Like Disaster Rebuild, it is imperative that all members of the City Staff are single-mindedly focused on finding ways to facilitate the efficient, expeditious and economical construction of Like-for-Like Disaster Rebuilds. By the same token, when dealing with matters other than Like-for-Like Disaster Rebuilds, it also is imperative that the members of the City Staff remain committed to and focused on pursuing Malibu's vision and mission of constraining development to preserve Malibu's fragile rural nature.

5. Each Like-for-Like Disaster Rebuild shall be assigned to specific members of the City Staff who will be responsible for handling all aspects of the Like-for-Like Disaster Rebuild assigned to them that is within their area of expertise, and who must work in coordination with one another and not in a serial or separate manner, in order to provide continuous support, advocacy, and problem resolution throughout the process. Because Like-for-Like Disaster Rebuilds in different areas of Malibu will present different challenges, consideration should be given to dividing up the work among members of the City staff by the area in which the Like-for-Like Disaster Rebuilds are being pursued – i.e., on the beachfront, on a landslide area, on a stable hillside, on relatively flat property along the landside of PCH, etc. It also would be helpful for the City to employ or contract for the services of "case managers," who can be tasked with the assignment of following all Like-for-Like Disaster Rebuilds from the time of initial submission to the issuance of a Certificate of Occupancy, and whose responsibilities will include interfacing with the member(s) of the City Staff working on the projects being followed by the case managers.

6. The CDD Director, or such person designated by the CDD Director, shall develop a written comprehensive checklist of items that City Staff is required to consider and address in the first pass of a completed PV, plan-check, or building permit application – such that an applicant will not be met with successive requests or qualifications (other than those created by changes made by the applicant following a review that does

not result in an approval). There also must be a measurable time period between submission of a completed PV, plan-check or building permit application and approval or denial thereof, and any denial should be accompanied by a written explanation of all reasons for the denial.

7. Applicants for Like-for-Like Disaster Rebuild shall be permitted to obtain a PV for the structure(s) on their property separate from and prior to the submission and approval of a landscaping plan, geotechnical studies, drainage plan and/or erosion control plan. They also shall be able to obtain a building permit (but not a certificate of occupancy) separate from and prior to landscaping, Dark Skies, and other matters that do not impact the plan and construction of the main residence and other structures that predated the disaster that destroyed or substantially damaged their structure(s). For properties on the beach, applicants for a Like-for-Like Disaster Rebuild shall be permitted to obtain a PV and a building permit (but not a certificate of occupancy) without accounting for whether the rebuild will utilize an OWTS or a sewer connection, so long as the addition of either will not alter the plan and can be accomplished after the rebuild is otherwise completed.

8. Given the number of crucial decisions that need to be made corresponding to Like-for-Like Disaster Rebuilds, the CDD Director, or such other person as the CDD Director should designate, shall provide a progress report to the City Council at each Regular Meeting of the City Council and identify all outstanding issues of significance until they are resolved to the satisfaction of the City Council. The City shall establish targets, goals and metrics for reviews that are published and tracked to identify areas of continuous improvement.

PASSED, APPROVED and ADOPTED this __ day of _____, 2025.

Marianne Riggins, Mayor

ATTEST:

Kelsey Pettijohn, City Clerk

**I CERTIFY THAT THE FOREGOING RESOLUTION NO. 25-
___** was passed and adopted by the City Council of the City of Malibu
at the regular meeting held on the ___ day of _____, 2025, by the
following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kelsey Pettijohn, City Clerk