Council Agenda Report

City Council Meeting
04-30-26
Item 1.A.

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

Prepared by: Yolanda Bundy, Community Development Director

Approved by: Joseph D. Irvin, City Manager

Date prepared: April 23, 2026 Meeting date: April 30, 2026

Subject: Like-for-Like Disaster Rebuild Policy and Self-Certification Pilot Program

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RECOMMENDED ACTION: City Council is requested to review this report and select any of the following four options:

Option A Adopt as Proposed: Adopt the Like-for-Like Policy Resolution.
Option B Adopt Revised Resolution (Staff Recommendation): Recommend a revised resolution that resolves the regulatory conflicts identified in this report, accompanied by redline language for Council review.
Option C Deny as originally proposed.
Option D Pilot Program Only: Direct staff to implement a Self-Certification Pilot Program only.

FISCAL IMPACT: No additional appropriation is required. Any future program implementation costs including staff augmentation, technology improvements, or third-party audit services for the Self-Certification Pilot Program will be evaluated separately and presented to City Council for consideration prior to program launch.

STRATEGIC PRIORITY: This item supports the City's 2025 Strategic Plan Goal 1: Support Community Rebuilding and Long-Term Recovery, Objective 1.1: Accelerate and simplify the rebuilding of affected and/or destroyed properties, and Objective 1.2: Modernize development policies and procedures to support resilient community development.

DISCUSSION: The purpose of this staff report is to provide an analysis of the proposed Like-for-Like Disaster Rebuild Policy Resolution and related Self-Certification Pilot Program. Staff identifies regulatory considerations, summarizes community and regional public agency feedback, provides a plain-language property owner roadmap

for achieving the four-month permit processing objective, and outlines specific code conflicts in the revised resolution that must be addressed before adoption.

Background

On December 8, 2025, Mayor Pro Tem Silverstein and Councilmember Conrad introduced the proposed Like-for-Like Disaster Rebuild Policy Resolution as a Council-sponsored initiative to facilitate timely, cost-effective reconstruction of structures damaged or destroyed by wildfire and other declared disasters. The proposal contemplates methods to facilitate the reconstruction of destroyed structures that are in substantially the same location as the pre-disaster structure, within 110 percent of the original building area, height, or bulk. At its December 8 meeting, Council directed staff to further evaluate the proposal in coordination with the City Manager and to return with analysis addressing implementation feasibility, regulatory consistency, and operational impacts.

On January 12, 2026, a draft policy resolution was presented as a Council-sponsored document for staff evaluation. Consistent with that framing, this report reflects staff's independent analysis. Staff's role is to identify regulatory requirements, operational constraints, and risk considerations to support informed Council deliberation.

The regulatory frameworks governing this matter include the California Building Standards Code (Title 24), the Malibu Municipal Code, the City's General Plan, the Los Angeles County Building Code as adopted by the City (Title 26, 2023 Edition), the California Coastal Act and Local Coastal Program, FEMA/NFIP floodplain regulations, and the City's Local Area Management Plan (LAMP). Of particular relevance to like-for-like rebuilds, Malibu Municipal Code (MMC) Chapter 15.40 establishes the City's local requirements for Onsite Wastewater Treatment Systems (OWTS) and coastal structures including seawalls. These frameworks establish minimum mandatory requirements governing life safety, environmental protection, coastal resources, geologic hazard review, wastewater management, and shoreline protection. Most of these code requirements are not discretionary and cannot be modified by policy resolution alone.

Community Outreach and Stakeholder Input

The City has conducted ongoing Zone Captain meetings with residents, property owners, and design professionals in fire-affected areas. Feedback from these sessions has been consistent and has directly informed staff's analysis.

Key themes include:

- Clearer submittal requirements and earlier identification of project-specific constraints
- Improved predictability in review timelines and interdepartmental coordination
- Greater transparency in the sequencing of approvals

- Interest in self-certification and other alternative permitting models

Why Malibu's Process Differs from Los Angeles and Pacific Palisades

Residents and property owners have understandably compared Malibu's permitting timelines to those of the City of Los Angeles and the County of Los Angeles. Staff acknowledges this concern and provides the following clarification, which may assist Councilmembers in communicating with constituents:

Malibu's regulatory environment is more complex than most inland jurisdictions for three primary reasons. First, over 300 primary residential structures (more than 50 percent of all lost) structures were destroyed on the beach, including seawall and shoreline protection structures governed by MMC Chapter 15.40. Second, the City has significant geologic hazard exposure, including active landslides, coastal erosion, slope instability, and seismic risk, which require detailed site investigation and geotechnical analysis before permits can be issued. Third, the City's wastewater is managed through Onsite Wastewater Treatment Systems (OWTS) regulated under MMC Chapter 15.40 and administered through the Local Area Management Plan (LAMP) subject to Regional Water Quality Control Board oversight, which creates additional approval sequencing requirements not present in communities with Sewer systems. Because MMC Chapter 15.40 governs both OWTS and seawall requirements locally, these standards apply independently of and in addition to any state or county baseline requirements.

The City of Los Angeles and Los Angeles County self-certification programs specifically exclude properties in geologically sensitive areas, flood hazard zones, and complex coastal sites. Because the majority of Malibu's rebuild properties fall into one or more of these excluded categories, the applicability of a Malibu self-certification program is more limited than those programs may suggest. Staff are actively working to reduce process complexity wherever permissible, while maintaining the reviews required to protect life safety, environmental resources adhering to the minimum mandated state requirements.

Process Improvements Underway

The City has finalized a Malibu Rebuild Guide that outlines each phase of the rebuild process in a clear step-by-step format, including pre-application coordination, planning review, building review, interdepartmental coordination, and final permitting and inspections. The Rebuild Guide is meant to be a comprehensive, start-to-finish guide on how to obtain a permit for a Malibu Rebuild. It also incorporates all of the policies, code amendments, and guidelines the City has adopted or published for the Palisades Fire recovery. Staff have also developed supporting infographics and a Frequently Asked Questions resource to assist applicants in navigating the process.

Staff is developing a Malibu Geohazard Information Map to provide parcel-level identification of landslide susceptibility, slope instability, coastal erosion zones, liquefaction potential, and seismic hazard areas. This tool is a key enabler of the four-month processing objective. Estimated completion: May 2026. Additional process improvements implemented or in progress are summarized in the table below.

Table 1 – Rebuild Process Improvements		
Initiative	**Status**	**Benefit**
Malibu Rebuild Guide	Finalized	Step-by-step guide for homeowners and design professionals from pre-application through final permit and certificate of occupancy.
Concurrent departmental review	Implemented	All departments review simultaneously, eliminating sequential delays.
Priority processing for disaster rebuilds	Implemented	Wildfire rebuild applications receive queue priority over non-disaster projects.
Pre-submittal coordination program	Implemented	Optional early coordination meeting to identify site constraints before full application submission.
Malibu Geohazard Information Map	In Development	Parcel-level mapping of landslide, erosion, liquefaction, and seismic hazard areas. Est. completion May 2026
Rebuild infographics and FAQ	Finalized	Public-facing visual guides and answers to common questions.

Analysis: Like-for-Like Disaster Rebuild Policy Resolution

Staff has completed a provision-by-provision review of the revised draft policy resolution (Council-Sponsored Draft, January 12, 2026). The revised resolution reflects meaningful improvements from the original December 2025 draft, including clearer intent language and the addition of accountability mechanisms such as case managers and progress reporting. Staff acknowledges these improvements and supports the resolution's overall policy objectives.

However, staff's review identifies six categories of provisions that remain in conflict with mandatory requirements of the 2023 County of Los Angeles Building Code as adopted by the City (Title 26), the California Building Standards Code (CBC), the California Plumbing Code, Malibu Municipal Code Chapter 15.40 (Onsite Wastewater Treatment Systems and Seawalls), and the City's Local Area Management Plan (LAMP). Because these are mandatory code requirements, they cannot be waived, suspended, or superseded by policy resolution. They require formal code amendment, state-level action, or revised resolution language that does not direct staff to act contrary to them. As conducted in March of 2025 (Ordinance No. 524) and October 2025 (City Council

Rebuild Policies), the zoning codes were amended to be more flexible for faster rebuilding.

Summary: Proposed Resolution Provision-by-Provision Code Conflict Analysis

Table 2 – Code Conflict Analysis			
§	**Provision**	**Code Authority**	**Staff Finding**
1	Deference to applicant's engineer when 'reasonable professionals might differ'	LACBC § 104.4; § 107.3; CBC § 104.4	CONFLICT. Building Official authority is non-delegable under state law and the adopted Code. Resolution cannot direct staff to subordinate Building Official determinations to an applicant's consultant. (See detailed analysis below)
1	Resolving 'doubt' in favor of expeditious rebuild as a code interpretation directive	LACBC § 104.1; § 104.4; CBC § 104.1	PARTIAL CONFLICT. Resolution can direct staff to prioritize and streamline but cannot direct the Building Official to apply a policy-preference tie-breaker to mandatory code interpretations. Requires targeted redline. (See detailed analysis below)
2	Eliminating geotechnical analysis for flat-pad rebuilds where owner assumes risk	LACBC § 111; CBC §§ 1803.5, 1803.6; MMC hillside/coastal provisions	CONFLICT. Geotechnical investigations are mandatory for site conditions present throughout Malibu. Owner assumption of risk does not satisfy the public health and safety standard. Cannot be waived by resolution. (See detailed analysis below)
2	Allowing OWTS/septic reuse without Environmental Health and RWQCB approval	MMC Chapter 15.40 (OWTS — local municipal requirement); California Plumbing Code § 301.1; LAMP; RWQCB Order	CONFLICT. OWTS are a local municipal requirement under MMC Chapter 15.40, in addition to state plumbing law and the RWQCB-administered LAMP. City cannot authorize reuse by resolution alone; Chapter 15.40 standards apply independently and require Environmental Health approval. (See detailed analysis below)
7	Building permit may issue before geotechnical studies, drainage plan, and erosion control plan are approved	LACBC § 105.3; § 107.3; § 110.3; CBC § 105.3; CBC Chapter 33	CONFLICT. Building permits cannot be lawfully issued until minimum required technical studies and plan check approvals are complete. Noted in the resolution itself with annotation 'Violates the Building Code.'(See detailed analysis below)
7	Beach properties	MMC Chapter 15.40 (OWTS and seawalls —	CONFLICT. For beach properties, both OWTS and seawall compliance are local requirements

Table 2 – Code Conflict Analysis			
§	**Provision**	**Code Authority**	**Staff Finding**
	may get permit without determining OWTS vs. sewer connection or seawall compliance	local municipal requirements); LACBC § 110.4; § 111.1; California Plumbing Code; LAMP	under MMC Chapter 15.40 and must be addressed in permit documents. A permit issued without this determination results in a structure that legally cannot be occupied. Creates false expectations for property owners. (See detailed analysis below)

Detailed Code Analysis

Issue 1 - Building Official Authority: LACBC Sections 104.4 and 107.3

Resolution Item 1 directs that when the Community Development Director recognizes a difference of opinion upon which reasonable professional civil engineers might differ, City Staff 'shall defer' to the stamped and certified decision of the applicant's civil engineer.

LACBC Section 104.4 (Title 26) provides that the Building Official shall have the authority and responsibility to render interpretations of the Code and to adopt and enforce rules and regulations supplemental to the Code. Section 107.3 provides that the Building Official shall examine construction documents and approve plans only when satisfied that the proposed work conforms to the requirements of the Code. These duties are non-delegable. A Building Official's statutory responsibilities under the Building Code cannot be assigned or subordinated to a private engineer retained by an applicant. As drafted, the provision raises concern because it appears to allow project approval contrary to the Building Official's professional determination of code compliance. If the City were to approve a project over the Building Official's objection, particularly pursuant to a policy or Council directive, it could create significant exposure by suggesting that the City knowingly overrode its designated code authority. In such circumstances, the City may face heightened liability if the approved work later results in failure or injury.

Issue 2 - Geotechnical Investigation: LACBC Section 111 and CBC Chapter 18

Resolution Item 2 proposes eliminating the requirement for geotechnical analysis for like-for-like rebuilds on "flat pads" where pre-existing data is available and the property owner is willing to assume the risk of an undetected issue.

LACBC Section 111 (Title 26) expressly requires a geological/soils report for all structures where site conditions indicate a need for such investigation. Furthermore, CBC Section 1803.5 requires geotechnical investigation reports for all new structures in

areas of known geologic hazards. CBC Section 1803.6 requires that a geotechnical investigation address site-specific hazards including liquefaction, landslide, and slope instability for structures in Seismic Design Categories C through F. Malibu lies entirely within Seismic Design Category D or E, making these requirements universally applicable within the City.

The owner's assumption of risk is not a substitute for waiving a public safety requirement under the Building Code. The State Building Code's purpose — as stated in LACBC Section 101.3 — is to protect the health and safety of the community, not merely the individual property owner. A neighbor, visitor, emergency responder, or subsequent purchaser has an interest in the structural safety of a building that cannot be waived by the current owner's consent.

The provision also notes as an example the possibility of eliminating geotechnical requirements in "areas that have exhibited historical geological instability" — i.e., precisely the areas where such review is most critical. This framing heightens rather than reduces staff's concern about the provision.

Issue 3 - Permit Issuance Without Required Technical Studies — LACBC Sections 105.3, 107.3, and 110.3

Resolution Item 7 proposes that applicants be permitted to obtain a building permit (but not a Certificate of Occupancy) prior to the submission and approval of landscaping plans, geotechnical studies, drainage plans, and erosion control plans.

LACBC Section 105.3 provides that the Building Official shall not issue a permit until construction documents have been examined and found to comply with the Code. Section 107.3 requires that approved plans must include all information sufficient to verify compliance. Section 110.3 requires that inspections confirm work is performed in conformance with approved plans, which cannot occur if key technical components — such as grading and drainage — are not yet determined. CBC Chapter 33 (Safeguards During Construction) requires that excavation and grading operations comply with an approved plan before work begins.

Issuing a building permit before a drainage or erosion control plan is approved would allow grading and site work to commence without an approved grading plan, creating direct conflicts with LACBC Chapter 33 and the City's grading ordinance. This scenario is especially problematic on hillside and coastal sites where improper grading can cause slope instability, neighbor property damage, and coastal resource impacts that trigger California Coastal Act enforcement.

Issue 4 - Certificate of Occupancy Requirements — LACBC Sections 110 and 111

Resolution Item 7's provision allowing a building permit to be issued before resolution of the wastewater pathway (OWTS vs. sewer) for beach properties directly implicates Section 111.1. A Certificate of Occupancy cannot be issued for a structure without a code-compliant sanitary system, meaning any permit issued without this determination would result in a structure that cannot be occupied. This creates false expectations for property owners and does not actually accelerate occupancy. The provision is counterproductive, and it's recommended to be removed.

LACBC Section 110 (Title 26) governs required inspections and provides that no work shall proceed beyond each successive inspection point without Building Official approval. Section 110.1 requires the Building Official to make inspections at prescribed stages of construction. Section 110.3 specifies that required inspections include foundation, framing, fire and smoke protection, energy compliance, and final inspection. These are mandatory; they cannot be waived, abbreviated, or converted to self-certification by policy resolution.

LACBC Section 111.1 provides that no building shall be used or occupied until the Building Official has issued a Certificate of Occupancy (CO). Section 111.2 provides that a CO shall not be issued until the Building Official has received satisfactory reports from all required inspections and has determined that the building is in compliance with the Code. This means a Certificate of Occupancy cannot legally issue unless all required inspections, including geotechnical, structural, plumbing, mechanical, electrical, and energy compliance, are complete and approved.

Recommended Approach to Adoption

Based on the foregoing analysis, staff does not recommend adoption of the resolution as currently drafted. The four conflict areas appeared to identify legal exposure to the City. In particular, several provisions conflict with the statutory authority of the Building Official under LACBC Sections 104.4 and 107.3 (Title 26), which vest the Building Official with the responsibility to interpret the Code and determine whether construction documents comply with applicable requirements. While third-party consultants may assist in technical reviews, these duties remain with the Building Official and cannot be overridden or reassigned.

As drafted, the resolution could be interpreted to allow approval of projects notwithstanding the Building Official's determination of non-compliance. Such a framework would undermine the City's adopted regulatory structure and create significant legal risk by suggesting that the City knowingly superseded its designated code authority. This exposure is further compounded where provisions of the resolution appear inconsistent with applicable federal, state, and locally adopted codes.

For these reasons, substantive revision would be required to ensure the resolution is legally defensible, internally consistent, and implementable.

Analysis: Self-Certification Pilot Program

Program Structure

Staff has evaluated a Self-Certification Pilot Program modeled on frameworks used by the City of Los Angeles and Los Angeles County. Under this model, qualified licensed design professionals certify code compliance in lieu of a full Building Safety plan check review, while all other departmental and agency reviews remain fully in place.

Because Malibu adopts the Los Angeles County Building Code, the County framework provides the most relevant baseline. The proposed Malibu adaptation would be structured as follows:

- Eligibility: Like-for-like single-family residential rebuilds associated with recent wildfire events, not exceeding 110 percent of the pre-loss structure
- Exclusions: Properties in FEMA/NFIP flood hazard zones, designated landslide hazard areas, coastal erosion zones, or other high-risk geologic areas are ineligible
- Reviews retained in full: Planning, Coastal Engineering, Geology, Environmental Health, Public Works, and Los Angeles County Fire Department
- Modified review: Building Safety review shifts from full technical plan check to completeness verification for eligible projects
- Unchanged: All inspections, enforcement authority, Certificate of Occupancy requirements, and final approvals
- Required documentation: Comprehensive plan set, Structural Calculations, and Geotechnical reports remain required for all eligible projects

Advantages

- Reduces Building Safety plan check processing time for a subset of eligible projects
- Consistent with industry practice in comparable programs (LA, LA County)
- Shifts professional accountability to licensed design professionals while preserving all field inspection requirements

Liability and Risk Considerations

Staff has consulted with the City Attorney and the California Joint Powers Insurance Authority (JPIA) and identified the following risks for Council's consideration:

- Self-certification does not eliminate City liability exposure and may in some circumstances increase risk, particularly where design-related deficiencies or life-safety issues are identified after construction
- Certificates of Occupancy may be interpreted by third parties as City approval of full code compliance regardless of program structure or disclaimers
- Construction inspections are essential but are not a substitute for comprehensive plan review; field inspections cannot identify all design-level deficiencies
- The absence of a formal plan check record may limit the City's ability to demonstrate due diligence in the event of a liability claim
- Audit-based oversight systems reduce but do not eliminate early-stage design risk
- Geologic exclusions, combined with the prevalence of hillside and coastal hazard areas throughout Malibu, will significantly limit the number of projects eligible for the program; Council should have realistic expectations about the program's impact on overall rebuild volume

Council Direction on Pilot Program

Staff looks forward to receiving City Council direction regarding the implementation and parameters of the Self-Certification Program, should the Council choose to proceed.

Expedited Permitting: Four-Month Processing Objective

A four-month permit processing timeline for like-for-like residential rebuilds is achievable for projects that meet all the following conditions listed below. Staff presents this as a realistic target with identified prerequisites, not a guaranteed processing window. Projects that do not meet all conditions will require longer timelines; staff will communicate project-specific estimated timelines at the pre-application conference stage.

Table 3 – Four-Month Processing

Prerequisite	Description
Complete initial submittal	All required documents, calculations, and studies submitted at intake. Incomplete submittals are the single most common cause of extended timelines.
Early hazard identification	Geotechnical and coastal constraints identified and resolved prior to or at plan check submittal.
Qualified design professionals	Licensed professionals experienced with Malibu's coastal environment, hillside, LAMP, and MMC Chapter 15.40 requirements.
Concurrent review	All departments review simultaneously. Coordinated comments issued in a single consolidated letter.

Table 3 – Four-Month Processing	
Prerequisite	**Description**
Timely applicant response	Applicant responds to plan check comments within 10 business days. Each day of delay beyond 10 business days extends the clock proportionally.

When all conditions above are met, staff projects a realistic processing range of 90 to 120 days (3 to 4 months).

What Property Owners Must Do to Achieve a Four-Month Permit

The four-month processing objective is a shared responsibility between the City and the property owner. The City controls review sequencing, interdepartmental coordination, and processing priority. The property owner controls everything that happens before and during submittal. Property owners are strongly encouraged to schedule a free pre-application meeting at the Rebuild Center with City staff. This single step allows staff to identify site-specific constraints, confirm eligibility for priority processing, and provide a customized submittal checklist. These meetings are free and unlimited. Projects that skip pre-application coordination are significantly more likely to overlook requirements resulting in costly design errors and receive incomplete-submittal notices from the City which restart the review clock.

Phase 1 – Before You Submit

This phase is entirely within the property owner's control and is where most permit delays originate.

Table 4 - Pre-Submittal		
Step	**Action Required**	**Why It Matters**
1	Choose your design team	It is recommended that your design team is familiar with our Local, Federal and State regulations.
2	Commission a geotechnical report before design begins	Required for virtually all hillside and coastal properties. Must be completed and incorporated into construction documents before submittal.
3	Verify your pre-disaster building area with City records	Confirm pre-loss square footage using City permit records before design begins. Discrepancies discovered during plan check require redesign.
4	Schedule a pre-application conference with City staff	Staff will identify your parcel's specific hazard zones, LAMP and MMC requirements, and any known site constraints. This meeting is free.
5	Confirm your LAMP	Contact Environmental Health at or before your pre-application

Table 4 - Pre-Submittal		
Step	**Action Required**	**Why It Matters**
	and MMC Chapter 15.40 OWTS status early	conference. For beach properties, confirm seawall compliance under MMC Chapter 15.40 at the same time.
6	Confirm insurance proceeds and project financing	Incomplete financing is a leading cause of project delays and stoppages after permit issuance.

Phase 2 – At Submittal (Day 1 of the Four-Month Clock)

The four-month clock begins when the City accepts your application as complete at intake. The following must be submitted together in a single complete package:

- Complete architectural and structural plans, wet-stamped by a licensed California architect or engineer, reflecting geotechnical report recommendations and current Code requirements. (**Important Note**: This assumes an applicant has structural and engineering plans ready at the first planning phase submittal for concurrent submission with Building Safety. If not, then preparation of the structural and engineering plans following planning approval can take longer.)
- Geotechnical report and soils analysis, prepared by a licensed geotechnical engineer, and site-specific.
- Pre-disaster building area documentation (original permit, assessor records, or City-verified square footage).
- LAMP preliminary approval or status letter from Environmental Health confirming your OWTS pathway under MMC Chapter 15.40. For beach properties, documentation confirming seawall compliance status under MMC Chapter 15.40.
- Completed application forms (signed by property owner)
- Title 24 energy compliance documentation (CF-1R or equivalent).
- Follow Malibu Rebuild Guidelines for more information (Attachment 6)

Phase 3 – During Review (Months 1–3)

After receiving a Planning approval, City staff will conduct concurrent review and issue a single consolidated plan check comment letter. To protect the four-month timeline:

- Respond to all plan check comments within 10 business days. Each day beyond 10 business days extends the clock by one day.
- Designate a single point of contact (typically your architect or project manager) authorized to respond to City staff on all matters.
- Avoid design changes after submittal. Any scope change triggers a revised plan check that resets the review timeline for affected plan sheets.

- Respond promptly to Los Angeles County Fire Department requests. Fire review is outside the City's direct control.
- Monitor your LAMP and MMC Chapter 15.40 status. OWTS final approval and, for beach properties, seawall compliance determination are conditions of permit issuance that run parallel to but are not controlled by the building permit process.

Phase 4 – Permit Issuance and Construction (Month 4 and Beyond)

- Pay remaining permit fees in full before permit issuance.
- Schedule a pre-construction meeting with Building Safety before breaking ground.
- Keep permitted plans on-site at all times during construction.
- Schedule required inspections in advance. Priority inspection scheduling is available for wildfire rebuild projects. Do not pour concrete, cover framing, or close walls before the required inspection has been approved.
- Notify the City immediately if site conditions during construction differ from those described in the geotechnical report.

Six Most Common Reasons Permits Take Longer Than Four Months

1. Not conducting pre-meetings with staff at the Rebuild Center and losing valuable initial feedback.
2. Incomplete submittal at intake — missing geotechnical report, unsigned forms, or plans that do not reflect site conditions.
3. Design professional unfamiliar with Malibu's regulatory environment, hillside, LAMP, or MMC Chapter 15.40 requirements, resulting in multiple rounds of plan check corrections.
4. LAMP and MMC Chapter 15.40 OWTS or seawall process not initiated early enough — Environmental Health and RWQCB approvals cannot be expedited retroactively.
5. Slow response to plan check comments — each week of delay in responding extends the timeline by at least one week.
6. Design changes made after submittal, requiring revised plan check on affected sheets.
7. Unexpected site conditions encountered during construction not addressed in the geotechnical report.

SUMMARY: The City remains committed to supporting efficient and timely recovery following disaster events and to improving the clarity and predictability of the rebuilding process for residents and design professionals. The proposed policy resolution and self-certification program represent opportunities to streamline certain administrative processes; however, they must be implemented in a manner that remains consistent with applicable regulatory requirements and the City's responsibility to protect public health and safety.

Based on staff's review:

- The policy resolution requires targeted revisions before adoption to cure four identified conflicts with mandatory Building Code, geotechnical, MMC Chapter 15.40 (OWTS and seawall), and LAMP requirements.
- Staff requires direction from Council on the Self-Certification Pilot Program.
- The Geohazard Information Map and Malibu Rebuild Guideline are the highest-leverage process improvements currently available and do not require policy resolution action.

Staff respectfully request City Council direction on Options A through D as presented in the Recommended Action section and welcome any additional guidance regarding prioritization of the process improvements described herein.

ATTACHMENTS:

1. Draft Like-for-Like Disaster Rebuild Policy Resolution (Council-Sponsored Draft, January 12, 2026)
2. Staff Redline: Proposed Revisions to Policy Resolution (to be prepared upon Council direction)
3. Self-Certification Pilot Program Framework and Eligibility Criteria
4. Los Angeles County and City of Los Angeles Self-Certification Guides
5. JPIA Advisory: Risk Considerations in Self-Certification Permitting Models
6. Malibu Rebuild Guide, revised April 23, 2026

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 hall 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

PROPOSED CITY COUNCIL POLICY RESOLUTION

RESOLUTION NO. 26-__

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, as administered and interpreted by the Community Development Director, 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") or duly adopted city policy or codes for the approval and issuance of a planning verification (a "PV"). The plan check process and the approval and issuance of a building permit shall follow the current City-adopted Building Code requirements which are minimum code mandates for a Like-for-Like Disaster Rebuild. No additional requirements will be imposed by the City. In so doing, any doubt respecting the application of a legal

requirement or the manner of its application respecting any Like-for-Like Disaster Rebuild shall be resolved by the Community Development Director in favor of following 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.

2. The City shall identify streamlined processes to expedite 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 centralize processes in order to repopulate efficiently and in a safe manner, including, but not limited to, opening of a rebuild center, creating templates and checklists, allowing reuse of foundations and reuse of Onsite Wastewater Treatment Systems (OWTS) following the current Local Agency Management Program (LAMP) agreement with the Water Board, subject to review and acceptance by the Building Official. Additionally, efforts should be pursued to secure the Governor's exemption on any impediments to rebuild. The City will not impose any requirements other than the minimum necessary to meet local, state and federal law. Applicants who do not meet the minimum requirements of local, state and federal law may be subject to delays.

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 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. (Contract services, budget impacts)

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. Landscaping plans shall only be required if the applicant proposes new landscaping which is needed to demonstrate compliance with the minimum local and state requirements. If no landscaping is proposed, the applicant is not required to submit a plan. Geotechnical reports, as required by the Building Code, can be deferred to Building Plan Check and are not needed to obtain a PV. Applications must comply with the minimum Building code requirements to obtain a building permit. No additional requirements will be imposed by the City. For all properties, beachfront and non-beachfront, applicants for a Like-for-Like Disaster Rebuild shall be permitted to obtain a PV (Violates the Building Code.)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. (Already being completed.)

PASSED, APPROVED and ADOPTED this __ day of _____, 2026.

_____
Bruce Silverstein, Mayor

ATTEST:

_____
Kelsey Pettijohn, City Clerk

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-___ was passed and adopted by the City Council of the City of Malibu at the regular meeting held on the __ day of _____, 2026, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Kelsey Pettijohn, City Clerk

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

Proposed City of Malibu Self-Certification Guide

Program Overview

City of Malibu's Building Plan Self-Certification Pilot Program would allow for California-licensed Architects, Civil Engineers, or Structural Engineers to certify their own plans and support documentation through the Building Safety portion of the review process. This program is only available to Palisades Fire rebuild projects. Issuance of Certificates of Occupancy to be determined by the City Attorney's office.

Steps to Self-Certify:

1. Requirements for Self-Certified Professionals

    - All design professionals for the project are responsible and liable for ensuring compliance with the Building Codes.
    - Must be registered with the State of California as a licensed Architect, Civil Engineer, or Structural Engineer and be in good standing for a minimum of five (5) years.
    - ICC CA Self Certification examination required (CARC)
    - Must have been responsible for ensuring Malibu Code compliance for a minimum of three (3) years.
    - Must possess professional liability errors and omissions insurance, issued by an insurer authorized to perform business in California. (City Council and City Attorney to determine minimum required amounts)
    - Register as a Self-Certified Professional through the Development Portal (include link here)

2. Check Project Eligibility

    - The project must be the replacement of a like-for-like or like-for-like plus 10% single-family residential property, 3 stories or less, destroyed by the Palisades Fire.
    - The projects cannot be located in Special Flood Hazard Areas per FEMA flood maps or located within a Geologically Sensitive Area as mapped by the State of California including local known landslide areas.

DRAFT

Eligible Projects	Ineligible Projects
• Like-for-like or like-for-like plus 10% single-family residential properties, 3 stories or less, destroyed by the Palisades Fire. • Grading limited to removal and recompaction (R&R) under 1,000 cubic yards.	• Subsequent owners post disaster • Non-Palisades fire rebuild projects. • Projects greater than like-for-like plus 10% and/or include accessory structures/ADUs. • Sites located within a Geologically Sensitive Area as mapped by the State of California including local known landslide areas. • Sites located in Special Flood Hazard Areas per FEMA flood maps. • Duplexes, townhouses, multi-family, non-residential projects. • Site grading (except R&R 1,000 CY or less) • Projects utilizing an alternate design, material, or method. • Projects requiring temporary shoring • Projects proposing re-use of foundation systems that have not been approved by the City.

DRAFT

Los Angeles County Building Plan Self-Certification Pilot Program Guide

Program Overview

Under Los Angeles County's Building Plan Self-Certification Pilot Program (Program), California licensed architects and engineers (Professionals) can self-certify that their building plans comply with the Los Angeles County Building and Residential Codes (Code), eliminating the need for a full building plan check review. Approval from other County Departments such as Regional Planning, Public Health, and Fire will continue to be required.

Steps to Self-Certify:

1. **Requirements for Self-Certified Professionals**
   - Must be registered in the State of California and be in good standing for a minimum of five (5) years.
   - Must have been responsible for ensuring Los Angeles County Building Code compliance for a minimum of three (3) years.
   - Must possess professional liability errors and omissions insurance, issued by an insurer authorized to perform business in California, with limits not less than $500,000 per claim and $1,000,000 in aggregate for all claims during the policy period.
   - Must complete and submit the Self-Certification Registration Application to Los Angeles County Public Works.
   - The names of Professionals who have been approved to participate in the Building Plan Self-Certification Pilot Program will be posted on the Los Angeles County Recovery website.

2. **Check Project Eligibility**
   - The project must be the replacement of a single-family home, garage, accessory dwelling unit, or appurtenant residential structures lost or damaged by the Palisades or Eaton Fires and be located in unincorporated County under Public Works' jurisdiction.
   - The projects cannot be located within a Geologically Sensitive Area such as hillsides and areas subject to liquefaction or land movement.
   - Projects must use Los Angeles County approved design, materials and methods.

Eligible Projects	Projects Not Eligible
• Reconstruction projects for residential structures that were destroyed in the Palisades or Eaton Fires within unincorporated LA County jurisdiction. • The building is limited to 3 stories (within the scope of the California Residential Code) including associated structures such as Accessory Dwelling Units, accessory living quarters, patio covers, recreation rooms and private garages. • Temporary shoring and retaining walls associated with reconstruction projects. • Deferred submittal for roof trusses associated with reconstruction projects. **Requires a CA registered Civil Engineer or Architect to self-certify.**	• The project and site shall not be located in whole or in part within a Geologically Sensitive Area. • Multi-family residential projects (defined as three or more attached units). • Non-residential projects. • Site Grading. • Projects utilizing an alternate design, material, or method. • Reuse of existing foundation systems, unless the **Reuse of Existing Foundation Systems in a Fire Damaged Structure** form is submitted for review and approved by the County. • Sites located in Special Flood Hazard Areas. • Non LA County approved designs, materials and methods. • 3D printed materials.

3. **Prepare and Submit Documents**
   - Apply for a permit online through EPIC-LA or in-person and pay self-certification fees.
   - The self-certified professional of record must be included as a contact for the project on EPIC-LA.
   - When applying for the permit on EPIC-LA, the work description must include the language “SELF-CERTIFIED Fire Rebuild…”
   - Professionals and Owner must sign and submit a Self-Certification Acknowledgement Form for each plan submittal.
   - Submit complete, signed plans including architectural, structural, energy documents, and structural calculations.

4. **Approval & Permit Issuance**
   - Once submission is complete, and all agency clearances are obtained, the permit is issued without technical review.
   - Random audits (20% minimum) will be conducted to ensure Code compliance. If errors are identified, the licensed professional must correct the plans and resubmit for review.

5. **Items requiring Mitigation prior to verification of Project Eligibility**

- Projects within seismic fault zones require clearance from Geotechnical & Materials Engineering Division (GMED) to be eligible for the Program.
- Reuse of existing foundation systems requires the Reuse of Existing Foundation Systems in a Fire Damaged Structure form to be submitted for review and approved by the County to be eligible for the Program
- Drainage and Low Impact Development (LID) requirements for non-like-for-like rebuilds of homes built prior to 2009

6. **Inspection Process**
   - Construction inspections will occur to verify construction complies with the approved plans and the Code. Inspections will be requested through EPIC-LA.

Responsibilities & Risks

Effective as 3/23/2026, LA County requires one self-certified professional to be responsible for all the plans.

- One LA County approved self-certified professional shall take responsibility and liability for the accuracy of the plans and are responsible for errors and omissions and any associated schedule delays and cost overruns.
- One LA County approved self-certified professionals agree to be removed from the Program at the discretion of the Building Official, if their plans contain material errors related to Code compliance.
- Professionals who are removed from the Program may be reported to the relevant licensing board (e.g., California Architects Board, Board for Professional Engineers).

Best Practices

- Stay updated on current Codes and regulations.
- Consider a peer review or use of AI-based programs to check for Code compliance before submitting.
- Communicate early with inspectors to avoid issues.
- Verify your plans follow the Minimum Plan Submittal Requirements and the Rebuild Plan Check Correction List.

Available Resources

- Los Angeles County Building Codes available on the Public Works website (https://pw.lacounty.gov/building-and-safety/general) or via the California Building Standards Commission
- Los Angeles County Permitting Website (https://permits.lacounty.gov)
- Apply for permits online at EPIC-LA

City of Los Angeles Department of Building and Safety

Self-Certification Pilot Program Implementation Guideline For Licensed Architects and Civil Engineers

August 27, 2025

Rev. March 03, 2026

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I. Program Overview

On April 22, 2025, Mayor Karen Bass issued Emergency Executive Order No. 6 to accelerate the permit review for rebuilding projects in areas that were destroyed in the January 2025 Wildfires, requiring the Department of Building and Safety (LADBS) to establish a plan check Self-Certification Pilot Program.

The Pilot Program will allow California-licensed architects and civil engineers (referred to in this Guideline as a Self-Certified Professionals) to assume responsibility to verify compliance for construction projects with the California Residential Code as adopted by the City of Los Angeles and the California Energy Code. The Self-Certification Pilot Program is limited to the reconstruction projects for single-family dwellings and associated structures on sites with structures that were substantially damaged or destroyed in the January 2025 wildfires, that also qualify as like-for-like Eligible Projects under the Mayor's Emergency Executive Order #1. LADBS will not review or approve the plans for compliance with applicable codes, relying solely on the self-certified plans by the Self-Certified Professionals. All applicable reviews and approvals by City departments other than LADBS shall continue to be required.

This guideline provides the requirements to participate in the Self-Certification Program, registration process, required 3rd Party examination and certification, eligibility requirements of projects under program, project submission procedure and required audit of Self-Certified Projects.

LADBS will advertise the Self-Certification Program and will post on the Department’s website the names of all Self-Certified Professionals who are eligible to participate in the Self-Certification Program. The webpage will also contain all documents related to the Self-Certification Program to assist the Self-Certified Professional with project submission.

Projects utilizing the self-certification pilot program remain subject to all other regulatory requirements, including but not limited to: inspection, code enforcement, revocation, expiration, and any other enforcement authority of the City for non-compliant construction.

Upon obtaining a permit and commencing construction, contractors may schedule inspections through the regular process. During construction, inspections will continue to be performed by LADBS inspection staff per standard inspection process.

All required inspections and related sign-offs by LADBS and other applicable City departments for the issuance of a Temporary Certificate of Occupancy and/or Certificate of Occupancy shall continue to be required.

In addition to a self-certified review of compliance with the California Residential Code and California Energy Code, and in accordance with Emergency Executive Order No.6, the Self-Certified Professional shall certify that all the zoning requirements are met.

II. Definitions

As used in these guidelines, unless the context clearly indicates otherwise:

Auditor: Any person designated by the Superintendent of Building to perform an audit.

California Residential Code: The California Residential Code in effect at the time of submittal for a permit, as adopted and amended by the City of Los Angeles.

Superintendent of Building: The General Manager of the Department of Building and Safety of the City of Los Angeles or a duly authorized representative.

Department: The City of Los Angeles Department of Building and Safety, also referred to as LADBS.

Owner: For the purposes of Owner Certification, either the actual owner of the building and/or property, or the person who is “acting as an agent of” the owner, as permitted by the Los Angeles Municipal Code.

Project*:* Work identified in a building permit application and accompanying plans.

Registrant: The Self-Certified Professional in the State of California with good standing.

Registration number or self-certification registration number: The registration number issued by LADBS upon demonstration of compliance with eligibility requirements as a Self-Certified Professional. Such registration number is separate and distinct from the professional registration issued by the State of California.

Reviewed by or Reviewed and sealed by: (a) The sealed plans were reviewed by the Self-Certified Professional for code compliance, or (b) the plans were drawn by others and were reviewed for code compliance and sealed by the Self-Certified Professional.

Self-Certified Professional: The licensed architect or civil Engineer in the State of California identified on the building permit application and accompanying plans and is certified by the Department of Building and Safety.

Self-Certified Plans: A plan that has been prepared by a Self-Certified Professional; and processed and stamped by LADBS in accordance with the Self-Certification Program.

Wildfires: Individually or collectively, the Palisades, Hurst, Kenneth, Archer, and Sunset Fires that occurred in January 2025, in whole or in part within the City of Los Angeles.

III. Project Eligibility Criteria

The projects appearing in the "Projects Eligible for Self Certification" section of the Self Certification Eligibility Chart below are eligible for self-certification.

Projects Eligible for Self Certification	Projects Not Eligible for Self Certification
• Reconstruction projects for sites with structures that were substantially damaged or destroyed in the January 2025 Wildfires that meet all of the following: o The project shall meet the requirements of an Eligible Project (like-for-like), as defined by the Mayor's Emergency Executive Order No. 1. o The project is a single-family dwelling and is limited to 3 stories (within the scope of the California Residential Code), and may include any associated structures such as Accessory Dwelling Units, accessory living quarters, patio covers, recreation rooms and private garages. • Projects may include: o Swimming pools, with an LADBS approved standard plan associated with the reconstruction project. o Temporary shoring and retaining walls associated with reconstruction projects. o Deferred submittal for roof trusses associated with reconstruction projects. o Site Grading, except in locations outlined in Information Bulletin: P/BC 2025-157 and the LADBS implementation guidelines.	• The project and site shall not be located in whole or in part within a Geologically Sensitive Area as identified in Information Bulletin P/BC 2025-157. • Multi-family residential projects. • Non-residential projects. • Projects not meeting the requirements of an Eligible Project (like-for-like), as defined by the Mayor's Emergency Executive Order No. 1.

If there is a dispute over whether a project is eligible for self-certification under these rules, the Self-Certified Professional can ask for "Second Opinion" from an LADBS staff supervisor. After the results of the "Second Opinion", the project applicant can appeal to the Superintendent of Building. A final determination of eligibility shall be made by the Superintendent of Building.

IV. Requirements for Self-Certified Professional

A. Eligibility

1. The Self-Certified Professional has been a registered architect or civil engineer for at least three (3) years and is registered in the State of California; and

2. Within the preceding five-year period, the Self-Certified Professional has not been convicted or found liable of: (1) knowingly making a false statement of material fact on or in connection with any building permit application, or (2) knowingly submitting in support of a building permit application any document containing false or fraudulent information, or (3) knowingly affixing a false signature to any building permit application. A Certificate of Good Conduct to this effect will be required to be signed by the Self-Certified Professional; and

3. Responsible for compliance with the California Building Code , including all City of Los Angeles amendments, the California Residential Code, the California Energy Code, the California Green Building Standards Code, the City of Los Angeles Zoning Code, and all other applicable laws and regulations.

B. Insurance Requirements

The Self-Certified Professional shall maintain the required professional liability errors and omissions insurance, issued by an insurer authorized to insure in California, with limits of not less than $1,000,000 per claim and $2,000,000 in aggregate, while certified under the Self-Certified Program. Insurance forms and instructions for completing them may be obtained online at http://cao.lacity.org/risk. Proof of insurance must be submitted and approved through https://kwikcomply.org.

With respect to the interests of the City, if an insurance company elects to cancel insurance before the stated expiration date; declines to renew in the case of a continuous policy; materially reduces the coverage period by changing the retroactive date (if any) or the extended discovery period (if any); reduces the stated limits other than by impairment of an aggregate limit; or materially reduces the scope of coverage which affects the City's interest, the Self-Certified Professional will provide the City at least 30 calendar days prior written notice of such election. Notice will be made by receipted delivery addressed as follows:

City Administrative Officer
Office of Risk Management
Insurance and Bonds
City Hall East, Room 1240
200 N. Main Street, Los Angeles, CA 90012-4168

It is understood, however, that such notice to the City shall not affect an insurance company's right to give a lesser notice to the Named Insured in the event of nonpayment of premium (Los Angeles Administrative Code Section 11.54).

C. Required Third Party Certification

In order to show competency in the California Residential Code, including life and fire safety provisions, the Self-Certified Professional participating in the Self-Certification Program must successfully complete the California Residential Code self-certification examination administered by the International Code Council (ICC), demonstrating knowledge in the application of the California Residential Code (CRC).

Self-Certified Professionals must contact the ICC directly to schedule the exam. Upon successful completion of the examination, the Self-Certified Professionals will receive ICC certification, which is required to participate in the City's Self-Certification Program. A valid ICC certification shall be required at all times to maintain certification with the City.

D. Self-Certified Professional of Record Statement

The Self-Certified Professional is required to submit a Self-Certified Professional of Record Self-Certification Statement on a form to be furnished by the Department, in which the Self-Certified Professional certified that anytime plans are stamped by the Self-Certified Professional are prepared by, under the direct supervision of, or reviewed by him/her; are complete; and are, in accordance with the requirements of the California Residential Code as amended by the City of Los Angeles, California Energy Code, City of Los Angeles Zoning regulation and all other applicable laws; all information in the application is true and correct and will be relied upon as the basis for issuing a permit; the permit is subject to revocation by the Superintendent of Building if necessary or appropriate to protect the public health, safety or welfare, and if LADBS determines that the Self-Certified plans do not conform to the requirements of the California Residential Code, City of Los Angeles Zoning regulations or any other applicable law; the Self-Certified Professional agrees to make all necessary revisions in a timely manner, and that a Notice to Stop Construction can be issued at the discretion of the Superintendent of Building. The Superintendent of Building may require additional certifications in the Professional of Record Self-Certification Statement.

E. Enrollment in Program

Once certified under the Self-Certification Program by the Department, the Self-Certified Professional certification will be valid for three years from the date of issuance. Should the City adopt new relevant codes or adopt amendments to relevant code during the three-year certification period, the Self-Certified Professional is responsible for keeping himself/herself up to date on all relevant code revisions.

To register in the Self-Certification Program, applicants must submit the following documents, fee, and be accepted:

1. Proof of professional architectural or civil engineering licensure in the State of California.
2. Proof of insurance.
3. Proof of ICC Certification under the California Residential Code Self Certification Program.
4. Registration fee.
5. Certificate of Good Conduct.

Enrollment in the Self-Certification Program will be administered by LADBS. Please visit https://www.ladbsservices2.lacity.org/SelfCertification to apply. LADBS will confirm eligibility and complete the enrollment process.

V. Hold Harmless Affidavit

For each project, the Self-Certified Professional and the Owner are required to sign an affidavit, provided by LADBS, agreeing to the following:

A. To protect, defend, indemnify and hold harmless the City of Los Angeles and its officers, representatives, managers and employees against any and all claims, liabilities, judgments, costs, expenses, delays, demands or injuries arising out of or in any way connected with the design, construction, code compliance review or issuance of a building permit for the project identified in the building permit application; and

B. That if construction is contrary to the California Residential Code, City of Los Angeles Zoning Code or any other applicable law or to any permit issued under the Self-Certification Program, the owner, as applicable, shall, without undue delay, remove or modify any component of such construction that does not conform to the requirements

of the California Residential Code, City of Los Angeles Zoning Code or any other applicable law or to such permit.

Nothing in this rule shall be construed to prohibit the Superintendent of Building from requiring additional agreements in the Hold Harmless Affidavit. The affidavit will be kept on file with the Department.

VI. Project Submission Procedures

The Self-Certified Professional must:

A. Submit plans and documents electronically via the LADBS ePlan portal. LADBS Staff will determine if the project qualifies for the Self-Certification Program

B. Visit LADBS's Virtual Building and Zoning Information Counter or call 311 for assistance, if needed.

C. Refer to the Plan Submittal Requirements for a comprehensive list of required plans, documents, and information needed for plan acceptance.

E. Every sheet of the plan, structural calculations and energy calculations shall be stamped and signed by the Self-Certified Professional

The cover sheet of the plan shall:

1. Be signed, dated, and stamped by the Self-Certified Professional responsible for preparing the plans; and

2. Contain an Index of Drawings as required by law; and any other applicable laws

3. Contain a **Self-Certification Notice** which reads as follows: "*This project has been permitted under the City of Los Angeles Self-Certification Program. The project is subject to audit and field inspections. If the construction of the project is contrary to, or does not meet the standard of the California Residential, Energy, the City of Los Angeles Zoning Code or any other applicable laws, the owner shall remove or modify any and all components that do not conform. Any deviations from this approved plan must be coordinated in advance with the LADBS Inspection Staff and revised plans or sketches must be provided by the self-certified professional.*"

4. Contain the following certification statement on the cover sheet: "*I hereby certify that these*

drawings are prepared by me, under my supervision, or reviewed by me and to the best of my professional knowledge conform to the California Residential Code and the City of Los Angeles Zoning Code and any other applicable laws. Such a certification statement shall be signed by the Self-Certified Professional and shall clearly show his/her name and City of Los Angeles registration number ."

VII. LADBS Processing of Self-Certified Plans and Permit Application:

If the intake staff determines that all Self-Certification Program requirements have been met, they shall accept the project for admission to the Self-Certification Program.

If the intake staff determines that any of the Self-Certification Program requirements have not been met, LADBS will notify the applicant of any missing or incorrect items.

After a project is accepted for submittal to the Self-Certification Program and prior to the issuance of a permit for such project, the plan review staff will verify that the application for the permit and all accompanying documents are complete. No LADBS plan review is conducted unless the application is selected for audit.

The Plan Check staff will still do the following:

1. Apply the clearances from applicable City Departments and Governmental Agencies. Rebuild projects under the Self-Certification Program shall obtain any applicable clearances/approvals/permits from City Departments and Governmental Agencies including:

    - Department of City Planning
    - Los Angeles Fire Department (LAFD)
    - Department of Water and Power (LADWP)
    - Bureau of Engineering
    - Bureau of Sanitation

2. Generate all applicable permit applications associated with the rebuild project.

3. Generate processing fees for the permit application and shall be based on the hourly rate specified in LAMC 98.0415(e). Applicable surcharges may apply as required by the LAMC. (Note: Per the Mayor's Emergency Executive Order No.7, all fees are currently suspended for rebuilding properties damaged or destroyed by the 2025 Wildfire).

4. Once all the steps above are completed, the plan check staff will issue a "Ready-To Issue" form, which the contractor can use to obtain a permit.

5. Permit Issuance: When the permit is issued, the plan check staff shall affix a LADBS ***"Self-Certified"*** **approval stamp** to each sheet of the construction plans and then another stamp on the cover sheet indicating the issuance date, permit number, and stating the following:

    - ***This set of plans MUST be at the job site during construction.***
    - ***It is unlawful to alter, change, or deviate from these plans.***
    - ***The stamping of this plan SHALL NOT constitute approval of violation of any provisions of any Ordinance or Law.***
    - ***This permit was issued as a combination permit for a One or Two Family Dwelling pursuant to LAMC Section 91.0107.2. This approval is only for the items indicated on the permit work description. Other items shown on the plans are NOT included in this approval. Separate permits are required for fire sprinklers and elevators.***

VIII. Audit Guidelines

Self-Certification Projects are subject to random audits at a rate of at least 10% of the program as a whole, the audit rate can be changed by the Department at any time. An hourly plan check fee shall be charged for all audits (random or automatic) pursuant to LAMC Sections 91.107.3.1.4 and 98.0415(e).

The purpose of the audit is to determine whether the plans and/or projects are in compliance with the requirements of the California Residential Code, California Energy Code, and other ordinances and codes adopted by the City of Los Angeles. The audit will also measure the effectiveness of the Self-Certification Program. In addition to the random audits, projects may be audited if LADBS determines that a field inspection conducted by LADBS finds that the plans permitted under the Self-Certification permit program are not in compliance with the requirements of the California Residential Code or other codes or ordinances of the City of Los Angeles.

If code violations are identified during the audit, the Self-Certified Professional will be notified in writing via email or ePlan. The notification will direct the Self-Certified Professional to address all code violations found in the audit. Inspections may be suspended until the corrected plan is

made available at the construction site.

If the Self-Certified Professional of an audited project disputes the results of the audit or disputes the accuracy or applicability of any code correction comment entered in connection with such audit, the Self-Certified Professional has the right to request a meeting to review the matter with the plan check supervisor or schedule an appointment with the Superintendent of Building or duly authorized representative. If the Self-Certified Professional disputes the results of the Superintendent of Building, an appeal can be made

through the Los Angeles Board of Building and Safety Commissioners (BBSC), granted under Los Angeles Municipal Code (LAMC) Section 98.0403.2.

A. Appeal Process

For information on the appeal process that must be followed, see the BBSC appeal process through the following links:

- https://dbs.lacity.gov/our-organization/building-and-safety-comissioners/bbsc appeals-ordinances
- https://dbs.lacity.gov/sites/default/files/efs/forms/pc17/ib-p-bc-2017-149-appeals-to-the-bbsc.pdf

IX. Revisions to Self-Certified Plans

Voluntary Field Changes and Revisions

The Self-Certified Professional or the Contractor must inform the LADBS Inspector of any proposed field changes or revisions. The inspector will determine if the proposed changes are minor and can be processed in the field or require revised plans.

If the changes require revised plans, the revised plans must be sealed by the Self-Certified Professional approved stamp. The revised plans must go through the established Self-Certified submittal process and be kept by LADBS as part of the record. Changes or revisions which add to the scope of work included in the original plan submittal shall be treated as new work requiring a supplemental permit.

Mandatory Field Changes and Revisions

When an inspector determines that the plans contain code violations or are missing critical information, the inspector will inform the Contractor in writing and shall notify plan check. A

revised plan by the Self-Certified Professional, processed by the Department, will be required to be provided at the project site.

X. Suspension and Revocation of Self-Certification Privileges

Privileges shall be revoked by the Superintendent of Building if the Self-Certified Professional fails three (3) consecutive audits or more than 20% of the audits, have designs with major life safety code violation, shows lack of proper attention or oversight in their plan preparation; or fails to take all remedial measures within such Self-Certified Professional's control to bring the required plans and any construction thereunder into compliance with the California Residential Code. If a Self-Certified Professional's privileges are subject to revocation for any reason, LADBS shall cause a dated notice to be mailed, by first class mail, to such Self Certified Professional at their last known business address or sent via email to the email address on file as provided during registration. Such dated notice shall inform the Self-Certified Professional of the following facts:

A. Unless the Self-Certified Professional can show cause at an appointment with the Superintendent of Building or duly authorized representative not to revoke their privileges, they shall be revoked for a period of one year. To reinstate privileges, the Self-Certified Professional must show the Self-Certification Certification by ICC. The revocation of the Self-Certified Professional's Self-Certification Program privileges shall become effective ten (10) business days after the date on which notice is mailed under this rule. The Superintendent of Building also has the authority to permanently revoke the Self-Certified Professional's privileges.

B. If the Self-Certified Professional has reason to believe that revocation of their Self-Certification privileges is not warranted, the Self-Certified Professional has the right to appeal the decision to the BBSC. The hearing would be solely to determine whether revocation of the self-certification privileges is warranted.

A Self-Certified Professional's self-certification privileges shall be permanently revoked by LADBS, if such Self-Certified Professional is convicted or found liable of: (1) knowingly making a false statement of material fact on or in connection with any building permit application, or (2) knowingly submitting in support of a building permit application any document containing false or fraudulent information, or (3) knowingly affixing a false signature to any building permit application.

The Superintendent of Building may revoke any permit issued under the Self Certification Program if an audit or inspection indicates that the permitted project or any portion thereof poses a threat to the public health, safety, or welfare.

From: [redacted]
Sent: Thursday, April 9, 2026 11:27 PM
To: Andre Ketchedjian <aketchedjian@malibucity.org>; [redacted]
Cc: Ryan Cerny <rcerny@malibucity.org>
Subject: RE: City of Malibu Insurance questions.

Hi, Andre. Hi, Ryan.

As you mentioned the short timeframe due to finalizing the staff report, the information below provides some initial observations focused mainly on the two documents: “Malibu Self Certification” and “Self-cert steps.”

I included [redacted], our liability program manager, on this email. [redacted], please feel free to provide any additional comments/feedback. The documents attached pertain to the program and were provided to me by the City. The City is drafting a staff report and would appreciate our feedback preferably by Monday.

To summarize the understanding of this program, the City is proposing a self-certification pilot for certain fire rebuilds where building safety plan check is largely exempted (except for audits), while all other departmental approvals still occur (Planning, Biology, Coastal Engineering, Geology, Environmental Health, Public Works, LA County Fire). Eligible projects are like-for-like (or like-for-like +10%) single-family residential destroyed by specific fires, with multiple exclusions (geo-sensitive areas, flood hazard areas, foundation reuse without documentation, etc.). A random building safety audit is planned at a minimum 20%. The internal workflow relies on portal checkboxes/database status changes to carry self-cert status from Planning into Building/Plan Check phase and ultimately stamp/issuance.

Compared to traditional Building Safety plan review, this program potentially and meaningfully increases severity and defensibility risk. While it may reduce processing time, it does not eliminate City exposure and, in some scenarios, may heighten it, particularly if a structural, fire-life-safety, or habitability defect later causes injury or large loss. Even if coverage ultimately applies, self-certification programs that bypass Building Safety plan checks materially increase claims complexity, defense costs, and exposure volatility under the memorandum of coverage. They do not eliminate City liability, and in some scenarios may increase claim survivability, reduce early dismissal options, or narrow coverage arguments otherwise available with traditional plan review.

Please see below for City considerations, and do not hesitate to reach out if you have additional questions or wish to discuss further.

Thank you,
[redacted]

*****

For the City's consideration:

In construction-defect or injury claims, plaintiffs frequently allege: *The City issued permits based on plans that did not meet code*. Even with self-cert language, permit issuance + inspections + Cert of Occ (CofO) are often pled as evidence of City involvement. Homeowners and third parties may argue they reasonably relied on the City's permit issuance and inspections, even if the City did not perform a plan check. When Building Safety does not perform plan checks, the City lacks a technical review file to demonstrate reasonable care or identify where responsibility clearly lays with the design professional. Bypassing plan check increases severity risk (fewer early code errors caught) and defensibility risk (less documentation of City due diligence).

Inspections alone are not a substitute for plan check. The documents state that inspections will proceed "as normal." From a claims standpoint, inspections are snapshot observations, not comprehensive design compliance reviews; inspectors reasonably rely on approved plans being code-compliant; defects traced to design are often not discoverable at inspection. If a loss occurs, plaintiffs may argue that the City knew or should have known that inspections alone could not detect design-level defects, yet issued permits anyway.

Audit-after-issuance does not fully mitigate early error risk. The program proposes random audits (minimum 20%). Audits occur after permit issuance and often after construction has started. Discovery of a serious code error mid-construction can increase loss severity, generate political pressure on inspectors, and weaken future enforcement consistency. Audit mechanisms reduce the frequency of long-term risk, but do not eliminate near-term exposure on unaudited projects.

Risk of implied City approval remains. Even with "self-certification" notation, the documents contemplate City-added stamps, permit issuance, job cards noting self-cert, and a still-issued Certificate of Occupancy (process not defined). In litigation, any City stamp or permit is often characterized as "approval", particularly if exterior-facing language is not carefully controlled. This matters because California case law routinely allows claims to survive early dismissal where plaintiffs allege City inspection or permitting contributed to unsafe conditions, and ambiguous stamping language increases settlement pressure.

E&O requirements help, but do not fully insulate the City. The program requires E&O insurance (≥$500k per claim / $1M aggregate). Limits appear to be low relative to reconstruction value and life-safety claims. No clarity on per-project verification vs. one-time program enrollment. No discussion of exclusions (wildfire, subsidence, soil movement, habitability). E&O insurance is not a substitute for municipal risk controls; it primarily shifts some financial exposure but does not prevent claims against the City.

Acknowledgment form is critical but currently unspecified. Both documents reference a Self-Certification Acknowledgment Form, but its contents are not described. From a risk management standpoint, the acknowledgment should clearly state the City did not perform Building Safety plan check; disclaim reliance on City approval; place full responsibility for code compliance on the design professional (supporting higher insurance limits); acknowledge audit risk, delays, and re-review consequences. Absent strong language, plaintiffs may allege confusion or unequal bargaining power.

The program allows removal of professionals from the list "at the discretion of the Building Official." Discretion without standards can result in uneven enforcement, and inconsistent treatment can be cited in litigation to show a lack of systematic safety controls. Additionally, the City's publication of a professional list, plus stated insurance minimums, can be misread as "City vetted and approved these professionals." Strong

disclaimer plus clear language that the City verifies only license status and insurance existence (not competence, quality, or claim history) should be stated.

Internal steps leave CofO issuance unresolved (“Refer to Building Official and City Attorney?”). CofO is frequently pled as a final City determination of safety/occupancy**.** If CofO is issued without clear reliance disclaimers or final professional attestations, it weakens immunity and allocation defenses.

There is a precedent concern. What begins as a narrow fire-rebuild pilot may later be cited as a “standard practice.”

Additionally, fire rebuilds often occur in geologically sensitive, high-value areas—magnifying severity when defects emerge.

Memorandum of Coverage (MOC) considerations:

Most liability coverage hinges on whether the claim arises from a covered “wrongful act” within the scope of governmental operations, versus an activity that is discretionary, delegated, or excluded. If the City affirmatively adopts a policy to bypass plan review, then claims will be evaluated to determine whether the alleged failure is a covered operational act or a discretionary policy decision that limits or complicates coverage and defenses.

Claims alleging failure to inspect or failure to detect defective construction are frequent targets for exclusions, coverage caps, or heightened self-insured retention scrutiny and more likely to trigger coverage challenges, reduce early dismissal opportunities, and increase defense and indemnity costs. Plaintiffs may argue that the City’s inspection program was structurally incomplete, weakening standard inspection-immunity arguments and creating a gray area of coverage.

Even though responsibility is shifted to design professionals, the City is still the permit-issuing authority; it still controls the process, eligibility, and enforcement, and it still issues the CofO. Claims may still be brought against the City for negligent administration, negligent reliance, and inadequate safeguards in the program’s design.

The internal steps leave CofO issuance unresolved and deferred to the Building Official/City Attorney. CofO issuance is often alleged as a representation of habitability or safety and a final approval of compliance. Plaintiffs routinely plead CofO issuance as evidence of City endorsement. If CofOs are issued for self-certified projects without explicit disclaimers, without final professional attestations, or in advance of audits, then claims tied to post-occupancy injury or failure may be argued to fall outside intended coverage or be more difficult to defend.

An important distinction is between inadvertent negligence in operations vs. conscious policy decisions to reduce or forego safeguards. The program expressly removes Building Safety from substantive review. This is not an oversight; it is a conscious policy choice. Some losses tied to intentional reduction of safety review may weaken negligence-based defenses, increase arguments that the City assumed known risk, and complicate coverage analysis depending on how the claim is pled.

Even though structures are private property, plaintiffs sometimes plead unsafe condition of public property (UCOP) theories tied to public permitting systems, dangerous conditions allegedly created or allowed by City action, and proximity to public rights-of-way. Bypassing plan check increases the likelihood of systemic defects across multiple rebuilds and pattern-and-practice allegations (not isolated error). Pattern claims amplify severity.

[redacted]

California Joint Powers Insurance Authority
8081 Moody Street, La Palma, CA 90623
[redacted]

cjpia.org



CITY OF MALIBU

REBUILD GUIDE

MALIBU REBUILDS

The City of Malibu is here to support you

.

For questions, call 310-456-2489
or visit the Malibu Rebuild Center at
23805 Stuart Ranch Road, Suite 240.

The City of Malibu created this guide to help you navigate the rebuild process and get you home as fast as possible.

At the State level, Governor Newsom has issued numerous executive orders aimed at cutting red tape, suspending permitting requirements and fast-tracking review and permitting processes. At the local level, Malibu's permitting, design standards, and local rules are as unique as the land and coastline itself. As a result, the City Council through code amendments and policy changes, has enabled city staff, to the extent possible, to streamline and pursue processes that expedite review and permitting processes.

This guide and the City's planning staff will help you navigate all requirements and processes from beginning to end.

Key Partners in the Rebuild Process

The **Property Owner** will need to gather a strong team of building design professionals to guide the process. Refer to the Assemble Your Team section for more information about this.

The Malibu **Planning Division** oversees the Architectural Plan Submittal and review process and issues planning approval. Refer to the Get Your Planning Approvals section for more information. Contact: (310) 456-2489 | https://www.malibucity.org/355/Planning.

The Malibu **Building and Safety Department** oversees the Building Plan Check review process and issues building permits. Refer to the Get Your Building Permit section. Contact: (310) 456-2489, ext. 310 | https://www.malibucity.org/252/Building-Safety.

External Agencies may be required depending on your project. Support services from these agencies are available at the Rebuild Center:

- ☐ LA County Fire, Contact: (323) 881-2411 | https://fire.lacounty.gov/
- ☐ Caltrans, Contact: (213) 897-3631 | https://dot.ca.gov/caltrans-near-me/district-7/district-7-projects/d7palisades-fire-recovery-as-builts

VERIFY THE BASICS FOR YOUR PROPERTY

First, confirm your property is within City limits using the City GIS. Note that addresses with a Malibu zip code may fall outside the City's jurisdiction.

Next, prove what existed on your property before the fire by gathering documentation from every source possible and applicable, including:

- ☐ **Tax Assessor building records:** email MalibuRecovers@MalibuCity.org
- ☐ **Building permits:** available via OnBase at MalibuCity.org/Records
- ☐ **Hard copy plans and older files:** via public records request
- ☐ **Coastal Commission permits and approvals:** email Julie Reveles (Julie.Reveles@coastal.ca.gov) or Diana Gonzalez (Diana.Gonzalez@coastal.ca.gov). Include the APN, parcel street address, and owner's name.

ASSEMBLE YOUR TEAM

Visit the Rebuild Center (Optional but Recommended)

The Malibu Rebuild Center, located at 23805 Stuart Ranch Road, Suite 240, offers free support for residents and business owners navigating the rebuild process. Walk-in Monday through Friday 8AM - 4PM or schedule a free in-person or virtual appointment by calling (310) 456-2489, ext. 400 or emailing MalibuRecovers@MalibuCity.org. While there, get:

***TIP:** Drop by the Rebuild Center with questions anytime.*

- Consultation on rebuild options
- Guidance on Code questions
- Help answering related questions

Select Building Design Professionals

To get started, find an architect or designer, preferably one with experience in Malibu. Once you have a concept in mind—even just a sketch—bring on other design professionals as you go.

A geotechnical engineer is a must. If your home is on coastal terrain, a coastal engineer is essential, too. A strong project manager or expeditor can also go a long way in keeping everything on track, but is not required.

Use these links to help assemble your team:

- California Architects Board's 'Consumer Guide to Hiring an Architect'
- Use the License Search tool
- Contact the Malibu Pacific Palisades Chamber of Commerce for a list of building professionals.

TIP: Ask neighbors, check references, and seek out success stories.

GET YOUR PLANNING CONSULTATIONS

Pre-submittal consultations are optional but highly recommended.

Before you get too far along with your team, schedule a free **Initial Consultation via the Rebuild Center.** Experts from departments like Fire, Geology, Coastal Engineering, Public Works, Biology, Environmental Health, and more are available to answer questions about everything from topography and zoning to building codes, wastewater, green building, home hardening, and primary view determination.

If you're not sure where to start, Malibu also offers an optional and free **On-site Consultation with Planning and Building Safety Staff**. Schedule a consultation before you submit architectural plans to identify issues early and help the process go quickly and smoothly.

***TIP:** Schedule your consultation before you submit architectural plans.*

GET YOUR PLANNING APPROVALS

What Planning Approval(s) Do I Need?

Determine which approval(s) you need. Remember that multiple approvals may be submitted concurrently!

Planning Verification (PV)

- PV is required for legally permitted structures in substantially the same footprint, with an increase of up to 10% in height, square footage, and/or volume.
- Fee: $200 | Public Notice: None required | Appealability: N/A | Timeline: 10 business days per review

TIP: *Check with the Planning Department to see if your project qualifies for concurrent review.*

Rebuild Development Permit (RDP)

- RDP is required for an increase of more than 10% in height, square footage, and/or volume; if located in a new location on the site; for any new structural elements such as a retaining wall or sea wall; and for new septic systems. May be submitted concurrently with PV.
- Fee: Varies | Public Notice: Required | Appealability: N/A| Timeline: Varies |

Administrative Plan Review (APR)

- An APR is automatically triggered by discretionary requests that require an SPR. It provides the mechanism for the Planning Department and other departments to conceptually review discretionary requests that exceed “by-right” development.
- APRs call for story poles (temporary poles installed to show proposed height) for projects that proposed development above 18 feet in height, but this may be waived at the discretion of the Community Development Director.
- Fee: $1,590 plus Department Review fees | Public Notice: Notice of Decision, 10 days

Site Plan Review (SPR)

- An SPR is required for projects when proposed development is either above 18 feet, on land steeper than 3:1, encroaching into a required setbacks or other discretionary approvals pursuant to Section 17.62.060 of the Malibu Municipal Code. (See appendix for full list).
- Fee: $3,499 (additional height) or $2,981 (work on steep slopes or reduction in setback) *additional APR fees | Public Notice: 21 days | Appealability: Planning Director’s decision is appealable to the Planning Commission within 10 days after Notice of Decision is published| Timeline: 3-6 months | Additional layer of review: environmental resources, safety, and protected views
- SPRs are a “sub-case” of an APR and are processed concurrently. Upon receipt of a discretionary request, the City will automatically alter an application to an APR with an SPR “tied” to the case.

Accessory Dwelling Unit (ADU) and Junior ADU (JADU)

- The Governor has streamlined construction and occupancy of ADUs on properties destroyed by the fires.
- ADUs may be up to 1,000 sq ft beyond the allowed 10%. JADUs may be up to 500 sq ft, but must be within the building envelope, and are included within the allowed 10%.
- Require separate permit that can be processed concurrently.
- Fee: $1,590 plus Department Review fees | Public Notice: Notice of Decision, 10 days | Appealability: Planning Director's decision is appealable to the Planning Commission within 10 days after Notice of Decision is published

Coastal Development Permit (CDP)

- A CDP is required for projects where the proposed development is beyond the allowed 10% or in a substantially new location on the site. Information on the CDP process can be found on the city's website or Chapter 13 of the city's Local Implementation Plan (LIP).

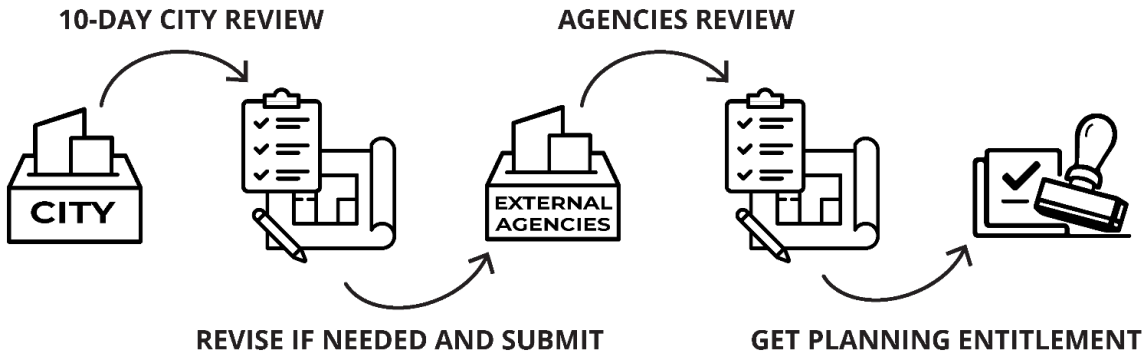
Submitting for Your Planning Entitlement

TIP: Be sure your submittal clearly shows and labels existing and proposed building height, building footprint, and non-conforming conditions.

Submit your Architectural Plan Set through the Development Portal. The Planning Department will review your submittal for conformance through the City's Municipal Code (since the Governor waived the Coastal Act, the city does not reference the Local Implementation Plan for conformance reviews). The Planning Department will route to other City Departments for review as appropriate.

Within 10 days of submitting, you will either receive approval to move forward, or a review letter with requested revisions and clarifications from all reviewing City departments. Additional fees may apply, consider fee waiver program link.

Some applications pending their scope of work will require approval from external agencies; **applicants are responsible for submitting their plans to external agencies** as appropriate, including LA County Fire, LA Water Works District 29, and Caltrans. The Malibu Rebuild Center will tell you which agencies should receive your submittal. Additional fees may apply. LA County Fire offers a waiver program link.



Call or stop by the Rebuild Center for any questions along the way. Once approved, you will be issued a planning entitlement. This clears you to move forward to submit for a building plan check review.

GET YOUR BUILDING PERMIT

After obtaining Planning approval, schedule a **Building Plan Check Presubmittal Meeting via the Rebuild Center** with the Building Safety Department.

This is a required step before formally submitting to the Building Safety Department for the Building Plan Check review process. The Department will walk you and/or your building design professional team through the submittal process and what documents are applicable to your project.

This meeting can occur at any time and the sooner it is done the better to understand what documents will be required. The amount of documentation and coordination can be more involved for this process in contrast to the Planning Verification application process. Thus, the sooner you understand the submittal process, the documents required, and the work required to organize those documents, the faster your submittal process will be.

Building Plan Check

Each department and agency will review your plan check submittal independently and will send back, if necessary, a corrections list. Your design team should address them and resubmit through the Development Portal's Building Safety tile. Expect reviews from:

- ☐ Building Safety — Reviews construction plans for compliance with building codes.
- ☐ Geology/Geotechnical — Reviews geologic and soils engineering reports and plans.
- ☐ Public Works — Reviews drainage, grading, erosion control plans (local SWPPP), stormwater and water quality compliance, FEMA flood zone regulations, and improvements within the public right-of-way.
- ☐ Environmental Health — Reviews functionality and capacity of wastewater systems to serve your building(s).
- ☐ Coastal Engineering — If your property is beachfront, this applies to you — expect a checkpoint. Beachfront properties will also require a Wave Uprush Report.
- ☐ Los Angeles County Fire Department — Reviews for compliance with fire code and fuel modification requirements.
- ☐ Los Angeles County Waterworks District 29 — See County staff to identify submittal requirements specific to your project, including any required certificates or to obtain a Will Serve letter.

After Building Department review, the Planning Department will ensure the project complies with all Conditions of Approval following review by external agencies and the City Biologist if necessary.

There may be scenarios where your project will be reviewed more than once but by the same agency. For example, for projects that are located in mapped, landslide areas, the Environmental Health Department will review the project within the Planning review process for a conceptual review of the proposed fixture unit count.

Additionally, they will review the project again within the Building Plan Check process for structural review of an existing or proposed onsite wastewater treatment system. This allows any pertinent, reviewing agencies to alert applicants if their conceptual design will impact their structural designs.

Permits You May Need

Building permits will be issued at the Rebuild Center after plans are approved by all departments and applicable fees (i.e., any fees not waived) are paid. Most single-family homes will need:

- ☐ Building — covers the overall structure and construction
- ☐ Mechanical — HVAC, ventilation, and related systems
- ☐ Electrical — all electrical systems and wiring
- ☐ Plumbing — pipes, fixtures, and water systems
- ☐ Septic — on-site wastewater treatment and disposal

Depending on your project, you may also need:

- ☐ Spa / Pool — if adding or rebuilding a spa or pool
- ☐ Excavation — if your project involves significant grading or digging

Are you doing work in the right-of-way? You may need:

- ☐ City Encroachment Permit — required if performing any work or placing a bin in the right-of-way
- ☐ CalTrans Encroachment Permit — required for Pacific Coast Highway properties only

Inspections

Required inspections (grading, framing, etc.) vary by project. Find out what inspections your project requires by contacting your assigned Case Planner, by emailing mplanning@malibucity.org, or by calling (310) 456-2489, ext. 485.

Then, request your inspection through the **online scheduling system**.

Inspectors must be allowed access to the property between 8:00 a.m. and 5:00 p.m.

After inspections are complete, you will be issued a **Certificate of Occupancy** and be permitted to move into your home.

Appendices:

Attached to this document you'll find the following forms to further assist you in your rebuild.

1) City Ordinance 524
2) LCP and Zoning Code Interpretation No. 15
3) Governor's Executive Order N-20-25
4) Best Management Practices (BMPs) for Construction Sites
5) Onsite Wastewater Treatment System Fire Damage Assessment
6) Foundation Reuse After a Wildfire
7) Foundation Feasibility Report For Fire Damaged Structures
8) Permit Requirements For Installing Temporary Housing
9) Coastal Engineering Guidelines
10) List of Coastal Engineering Consultants Working in Malibu
11) Caltrans Encroachment Permits for Fire Rebuilds
12) Caltrans Encroachment Permit – Questions and Answers
13) SoCalGas – Guide to Rebuilding Residential Properties
14) Fee Waiver Program (Broad, Franklin, and Palisades Fire)

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)

LCP and Zoning Code Interpretation

(Interpretation of the provisions of the Malibu Local Coastal Program and local Zoning Ordinance as approved by the City Council)

LCP Number: 24 **Dated**: October 15, 2025

Zoning Code Number: 15 **Amended**: _____

Community Development Director: Yolanda Bundy
Planning Manager: Tyler Eaton, Assistant Community Development Director
Interpreting Body: City Council

MMC and LCP Sections: Various Sections within Title 17 of the MMC and the LCP

Title: Rebuild Policies

The City of Malibu has historically been subject to wildfires and other natural disasters that have destroyed property. The City has established a series of ordinances to guide the rebuild process following those disasters. In March of 2025, the City Council adopted Ordinance No. 524, the "Disaster Rebuild Ordinance", which provided relief to those impacted by the 2025 Palisades Fire, 2024 Franklin Fire, and 2024 Broad Fire, but also set new regulations for the rebuilding of structures lost in past and future disasters. Generally, property owners are allowed to replace structures destroyed by a natural disaster with an additional 10 percent height, bulk, or floor area per the Malibu Local Coastal Program's (LCP) Local Implementation Plan (LIP) Section 13.4.6. Additionally, Malibu Municipal Code (MMC) Section 17.60.020(C) allows for structures destroyed in a natural disaster to be replaced with an additional 10 percent height, bulk, or square footage. In implementing the regulations set forth in Ordinance No. 524 that provide relief from the regular development standards, questions have arisen regarding issues related to the ordinance and rebuilding after disasters. To provide additional clarity, the following interpretations are hereby adopted to provide consistent guidance and application of these provisions:

Issue No. 1: What is "like-for-like"? Property owners are allowed to replace their previous structures that were destroyed "like-for-like" plus 10 percent additional square footage, height, or bulk.

Current Policy: "Like-for-like" means a replacement structure that is compliant with LIP Section 13.4.6 (if applicable) and MMC Section 17.60.020(C) in that it is sited in substantially the same location and is within 110 percent the same height, bulk, or square footage of the previous structure. Bulk (volume) is the constraining factor. A replacement structure cannot exceed 110 percent the volume of the previous structure. The extra 10 percent bulk (volume) can be allocated to extra height or extra square footage so long as it does not exceed 110 percent the bulk (volume), square footage, or height of the previous structure. For example, adding 10 percent extra square footage may result in not being able to add extra height because the extra bulk was already expended on the extra square footage. Or vice versa, if the extra 10 percent bulk has already been expended on extra height, then the applicant may not get extra square footage. Previously existing bulk can be shifted around so long as the replacement structure is sited within substantially the same location as the previous structure,

and the shifting of bulk does not exceed 110 percent the height or square footage of the previous structure. For non-beachfront properties, if bulk is shifted to other parts of the structure and the bulk exceeds 18 feet in height and is outside the original building envelope, the shifted bulk will require a site plan review pursuant to MMC Section 17.62.040. The design of the structure may change. For example, a craftsman style design can be rebuilt as a modern design as long as the structure is within 110 percent the same height, bulk, and square footage of the previous structure.

Issue No. 2: What qualifies as a replacement structure being located in the same "general location" (MMC Section 17.60.020(C)) or "sited in substantially the same location" (LIP Section 13.4.6(A)). Both the MMC and LCP require that replacement structures be sited in the same general location as the previous structures.

Current Policy: Replacement structures must be sited within 50 percent of the previous structure's footprint and envelope to be considered "substantially" in the same location. Relocations beyond 50 percent of the original footprint require a De Minimis Waiver pursuant to LIP Section 13.4.11 or a Coastal Development Permit (if the findings for a De Minimis Waiver are not met).

Issue No. 3: Calculating bulk. Bulk is defined in the LIP as "the total interior cubic volume as measured from the exterior surface of the structure." The term is not defined in the MMC.

Current Policy: Property owners may rebuild their structures in line with the LIP definition of bulk; meaning the cubic volume (bulk) shall not exceed 110 percent the previous structure's volume.

Issue No. 4: What is considered a "lawfully erected" structure under MMC Section 17.60.020? MMC Section 17.60.020(C) allows for lawfully erected structures that do not conform to the current design and development standards (or lot development criteria) in the City to be reconstructed if they were destroyed or damaged in a natural disaster.

Current Policy: Unless evidence demonstrates the contrary, a structure will be considered to be "lawfully erected" if: (1) it has a building permit or the required approvals from a government agency who had jurisdiction over the subject location when the structure was erected, or (2) the evidence demonstrates the structure existed prior to the date of the City's incorporation-- except structures located on a beach, coastal bluff, within an environmentally sensitive habitat area, or other sensitive coastal resource area must be shown to have existed prior to the California Coastal Act. Evidence that may be used to demonstrate the above includes, but is not limited to, aerial and GIS imagery, photography, city records, Los Angeles County Assessor data, and California Coastal Commission records. For any structure destroyed or substantially damaged by the 2025 Palisades Fire only, "lawfully erected" shall also include any structure that physically existed immediately prior to the 2025 Palisades Fire, so long as (i) the structure was not part of an open code enforcement violation pertaining to the construction of the structure, (ii) the structure did not violate any applicable law that is beyond the authority of the City of Malibu to waive or excuse (e.g., a structure that was built entirely or partially on property belonging to someone other than the owner of the structure), and (iii) the structure has a building permit that allows the structure to exist in some form (e.g., a remodel or addition for which a building permit was not issued would not disqualify the whole structure that existed immediately prior to the fire from being considered "lawfully erected", so long as there is building permit for the structure to exist in some form).

Issue No. 5: Basements and Subterranean Garages. MMC Section 17.40.040(A)(13)(c) discounts the first 1,000 square feet of basements towards a property's total development square footage

(TDSF). Based on this language, some property owners are requesting that new basements do not count towards the 110 percent square footage allowed in a like-for-like rebuild.

Current Policy: The square footage for new basements and subterranean garages shall be included in the 110 percent square footage calculation. A replacement structure cannot exceed a 10 percent increase in size/square footage, which would occur if the square footage of new basements was not included in the calculation.

Issue No. 6: Water tanks and pools. Water tanks and pools that have a draft hydrant and which can be connected to by the Los Angeles County Fire Department may be necessary for rebuild structures to have adequate fire flow to fight fires. MMC Section 17.62.080(A)(4) allows for water tanks, pools and other water storage devices to be permitted as long as they are required or recommended by a government agency.

Current Policy: If water tanks and pools are required or recommended by a government agency, the development standards for new structures within the subject zoning district shall be required except that the square footage needed for water tanks shall not be counted towards a property's TDSF.

Issue No. 7: Combining square footage between multiple structures. Some property owners are seeking to combine square footage from multiple structures into one structure. For example, a property owner may have had a home with a detached gym but is now proposing to combine the detached gym's square footage with the home. LIP Section 13.4.6 states that a replacement structure is exempt from a CDP if the replacement structure (1) is for the same use, (2) does not exceed the floor area, height, or bulk of the destroyed structure by more than 10 percent, and (3) is sited in substantially the same location. This section implies that each structure shall be placed in the same general location and rebuilt to the same general size.

Current Policy: MMC Section 17.40.050(B) sets the zoning standards for required distance between buildings. Main buildings shall be at least 10 feet apart. Main building and accessory building shall be at least six feet apart. If structures that are proposed to be replaced are 10 feet or less in distance apart, they may be combined. However, as stated in LIP Section 13.4.6, the structures must maintain the same use. If an uninhabitable structure (such as a garage) is combined with a habitable structure, the square footage of the uninhabitable area must be maintained. This policy avoids unintended consequences that could be caused through the consolidation of dispersed structures into a larger home that could have impacts on views or other sensitive resources.

Issue No. 8: No net loss. California's "No Net Loss" law (SB 166) *"prohibits a city, county, or city and county from reducing, requiring, or permitting the reduction of the residential density to a lower residential density that is below the density that was utilized by the Department of Housing and Community Development in determining compliance with housing element law, unless the city, county, or city and county makes written findings supported by substantial evidence that the reduction is consistent with the adopted general plan, including the housing element, and that the remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need. The city, county, or city and county may reduce the residential density for a parcel if it identifies sufficient sites, as prescribed, so that there is no net loss of residential unit capacity."* Some property owners, during the rebuild process, are seeking to convert multifamily structures into single-family structures if allowed by the subject zoning district.

Current Policy: In order to maintain compliance with State Law, the City is requiring that property owners who are seeking to convert their multifamily structures to single-family structures replace those lost units in the form of Accessory Dwelling Units (ADUs). For example, a triplex (three units)

that is proposed to be replaced by a single-family residence shall also include two ADUs to ensure there is no net loss. However, where State law allows flexibility, staff may allow less density on a lot than previously existing.

Issue No. 9: 10 percent increases must comply with current zoning regulations. MMC Section 17.60.020(C) allows nonconforming structures to be replaced (up to 110 percent height, bulk, and square footage) and maintain their nonconforming aspects in relation to the applicable zoning regulations.

Current Policy: The 10 percent increases must comply with current zoning regulations. As stated in MMC Section 17.60.020(C), increases to height or bulk above 18 feet shall require a site plan review (SPR) on non-beachfront properties. Similarly, 10 percent increases into required yard setbacks shall only be allowed with a SPR as listed in MMC Section 17.62.040. However, de minimis encroachments into required setbacks may be allowed at the discretion of the Community Development Director / Planning Manager. This policy allows legally established structures that do not conform to the current codes to be rebuilt but prevents their nonconformities from expanding.

Issue No. 10: Is a wave action report required for a beachfront rebuild of a residence for a Planning Verification? MMC Section 17.40.040(A)(5)(b) states that new construction on beachfront lots must have their lowest finished floors elevations be determined by a comprehensive wave action report. In contrast, additions to an existing structure measure height based on an existing finished floor elevation.

Current Policy: The LIP definition of “New Development” explicitly excludes replacement structures (destroyed in a natural disaster) from being defined as new development and thus not subject to the rigorous review of new development requirements within the LCP. Because the LCP does not include replacement structures as “New Development”, the structures shall also not be considered “new construction” for planning (zoning) purposes.

For all replacement beachfront structures, the structure’s height above sea level shall be determined by the Federal Emergency Management Agency’s (FEMA) flood plain regulations as stated in MMC section 17.60.020(C)(1) with no additional sea level rise requirements imposed by the City. Onsite wastewater treatment systems and seawalls that are being built along with the replacement beachfront structure will be required to be designed by the applicant’s coastal engineer with no additional sea level rise requirements imposed by the City. The design must be provided in either a (i) coastal engineering or wave uprush report, or (ii) letter certified and stamped by the applicant’s coastal engineer, who must be a California licensed civil engineer experienced in the practice of coastal engineering.

Issue No. 11: Rooftop decks. Rooftop decks are referenced in LIP Section 3.6(E) as allowed, specifically for beachfront properties, and have been allowed historically in the City for non-beachfront properties. Rooftop decks are becoming more common and have been permitted on both beachfront and non-beachfront structures throughout the City’s history.

Current Policy: Rooftop decks are allowed for both beachfront and non-beachfront rebuilds. Structures that include rooftop decks shall be conditioned to prohibit furniture that exceeds the railing height and to ensure that any lighting on the deck complies with the City’s Dark Sky Ordinance. Rooftop deck railing height shall be included in the maximum height allowance for the replacement structure.

Issue No. 12: Survey requirement. Residents have expressed concerns about providing surveys in their Planning Verification applications. Staff have been able to accept other forms of evidence to verify compliance with LIP Section 13.4.6 (if applicable) and MMC Section 17.60.020(C) such as historical surveys, City approved plans, and Los Angeles County and California Coastal Commission records. However, there have been discrepancies in the available information. An example of a discrepancy is when the Los Angeles County Assessor information regarding lot area differs from what has been represented on historical plans.

Current Policy: Staff will require a survey in the Planning Verification phase to demonstrate compliance with the LIP Section 13.4.6 and MMC Section 17.60.020(C). The submitted survey in the Planning Verification phase can be used in Building Plan Check.

2025 PALISADES FIRE ONLY

The following issues are addressed only for structures destroyed in the 2025 Palisades Fire and do not apply to other structures that were destroyed in any other natural disaster as these projects are subject to special orders from the Governor.

Issue No. PF1: Projects that were deemed complete prior to the fire but never approved or permitted. There are some property owners who had projects in the system before the fire for additions and other improvements to their previously existing structures.

Current Policy: If a project was approved or the application was deemed complete before the 2025 Palisades Fire, and the structure was destroyed in the fire, the property owner is allowed to construct both the replacement structure and the deemed complete application as long as all required permits are obtained and as long as the deemed complete application does not require a variance. The owner may have to submit additional documentation for a project that has not yet received approval from the City. If the deemed complete application requires a site plan review, minor modification, or stringline modification, such approval must still be obtained. In these instances, the replacement structure and the deemed complete application will be considered the “like-for-like”. However, If the deemed complete application is for new square footage for the structure that was destroyed in the fire, and the new square footage in the deemed complete application exceeds 10 percent of the square footage of the previous structure, the applicant/owner shall not be allowed to obtain more square footage than what is authorized in the deemed complete application. In other words, the applicant/owner shall not get an additional 10 percent square footage on top of the square footage allowed under the deemed complete application if the deemed complete application was for more than 10 percent the square footage of the previous structure. The applicant in such case may only build the structure proposed in the deemed complete plans.

Issue No. PF2: Seaward projections. Governor Gavin Newsome’s Executive Order (N-20-25), states that replacement structures may not “expand farther seaward on the beach than the structure or facility” that existed immediately before the 2025 Palisades Fire.

Current Policy: A replacement structure is not allowed to expand farther seaward than the structure that existed before the fire but it may shift previously existing square footage more seaward so long as the area being shifted does not go farther seaward than the structure’s “predominate seaward projection”. MMC Section 17.40.040(A)(7)(c)(1)(b) defines a beachfront structure’s “predominate seaward projection” as “that portion of a structure closest to the ocean, which has a width (i.e., the dimension which is on a plane parallel to the ocean front) at least 30% of the maximum width of the structure.” If one floor is further seaward than another, and the floor that is further seaward meets the definition of “predominate seaward projection”, then the floor that is further landward may extend out

to a point no further seaward than the “predominant seaward projection” of the structure but shall still be limited by the stringline rule as required in MMC Section 17.40.040(A)(7)(c). Both the deck and the dwelling are viewed as separate structures.

Issue No. PF3: Are building code required interior accesses on beachfront lots counted towards the 10 percent increase in square footage allowed? With the new FEMA regulations shifting beachfront properties to higher elevations, some property owners may have homes that extend significantly above PCH than before and thus require new interior access staircases to access the home from ground level (Pacific Coast Highway).

Current Policy: An interior access that is required by the building code and is necessitated by the new finished floor requirements based on the FEMA flood elevations will not be counted towards the 10 percent additional square footage allowed for rebuilds.

Issue No. PF4: Governor Gavin Newsom’s Executive Order (N-32-25) states that local jurisdictions within the boundaries of the 2025 Palisades Fire may prohibit or restrict the acceptance and processing of applications under Government Code Sections 65852.21 and 66411.7 for projects located in Very High Fire Hazard Severity Zones.

Current Policy: The City of Malibu will not accept or process applications under Government Code Sections 65852.21 and 66411.7 for any project within a Very High Fire Hazard Severity Zone within the boundaries of the Palisades areas.

Legislative Record: On October 15, 2025, the City Council reviewed every issue and adopted the corresponding policies.

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-20-25

WHEREAS on January 7, 2025, I proclaimed a State of Emergency to exist in Los Angeles and Ventura Counties due to fire and windstorm conditions that caused multiple fires, including the Palisades, Eaton, Hurst, Lidia, Sunset, Woodley, and Hughes Fires; and

WHEREAS these fires devastated communities across the Greater Los Angeles Area and collectively burned over 47,900 acres, destroying or damaging more than 16,250 structures, including homes, small businesses, and places of worship, with initial estimates placing this disaster among the most destructive in California history; and

WHEREAS since the fires began, I have issued several Executive Orders to provide relief to impacted communities, protect survivors and to expedite and aid recovery efforts, including orders streamlining permitting requirements to enable Los Angeles to build back quickly, and safer and more resilient than before; and

WHEREAS on January 12, 2025, I issued Executive Order N-4-25, which suspended the California Environmental Quality Act (CEQA) and permitting requirements under the California Coastal Act for projects to rebuild properties destroyed or substantially damaged by these fires, subject to certain conditions, in order to avoid procedural delay and costs for such rebuilding efforts; and

WHEREAS on January 16, 2025, I issued Executive Order N-9-25, which extended those suspensions to new accessory dwelling units on impacted properties and accelerated the occupancy of those units, and also suspended regulatory requirements to expedite the establishment of mobilehomes, manufactured homes, and recreational vehicles as temporary housing while rebuilding efforts on impacted properties proceed; and

WHEREAS Executive Order N-4-25 also directed various state agencies and departments to report back to me within 30 days on recommendations for further suspensions of state laws that may delay rebuilding efforts, and to engage affected local governments around recommended practices for expedited permitting and other approvals to support rapid rebuilding, to streamline and align review and approvals for rebuilding efforts as much as possible; and

WHEREAS state agencies and departments have completed their review under this directive and identified additional suspensions of state law related to construction and environmental permits that will facilitate rapid rebuilding efforts, and these suspensions, together with the suspensions in my prior orders, will facilitate implementation of the one-stop, streamlined permitting processes that local governments are launching for impacted property owners; and

WHEREAS additional clarity that local governmental approvals in the permitting process are determinative of eligibility for the Coastal Act and CEQA suspensions under my prior orders, along with further guidance to local governments around those approvals, will provide additional certainty to property owners that will further accelerate rebuilding efforts; and

WHEREAS the suspensions of the Coastal Act and CEQA in my prior orders, and as further clarified in this Order, provide the full scope of flexibility requested by the affected local governments to support rapid rebuilding efforts; and

WHEREAS although the regulatory suspensions regarding mobilehomes, manufactured homes, recreational vehicles, and mobilehome and special occupancy parks in Executive Order N-9-25 will significantly reduce barriers, the requirement to obtain a coastal development permit may interfere with expedited rehousing objectives; and

WHEREAS state law limitations on the duration of coastal development and building permits may impede local agency efforts to create a one-stop, streamlined permitting processes developed by agencies, and add time and expense to the rebuilding process; and

WHEREAS rebuilding can be further expedited by allowing homes that were recently approved for development under modern building safety standards, including fire protection standards, to rebuild to the approved specifications; and

WHEREAS state laws that impose affordability requirements when rebuilding on the site of a demolished structure, or constructing a new residence in the coastal zone, serve important goals to increase the supply of affordable housing, but may, in some circumstances, delay rebuilding if applied to homes that were substantially damaged or destroyed due to the emergency; and

WHEREAS property owners seeking to expedite rebuilding by using previously approved building plans may be unreasonably delayed in accessing those plans by regulation requiring local building departments to seek the consent of the professional who signed the original plans, particularly when those plans were submitted years before this emergency; and

WHEREAS state law requires local jurisdictions to periodically update their zoning ordinances to implement their housing element, including minimum density and development standards, but an extension of these deadlines will allow local staff in a jurisdiction affected by the emergency to focus fully on developing and implementing rebuilding efforts; and

WHEREAS under the provisions of Government Code sections 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay the mitigation of the effects of these fires and windstorm conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately.

IT IS HEREBY ORDERED THAT:

1. Paragraph 2 of Executive Order N-9-25 is terminated.

2. Paragraph 2 of Executive Order N-4-25 is terminated and replaced with the following:

   Paragraph 1 of Executive Order N-4-25, which suspends the California Environmental Quality Act (Division 13 of the Public Resources Code,

commencing with section 21000), and regulations adopted pursuant to that division, and any requirement to obtain a permit under the California Coastal Act (Division 20 of the Public Resources Code, commencing with section 30000), for projects to repair, restore, demolish, or replace property or facilities substantially damaged or destroyed as a result of this emergency, shall apply only to:

a. Primary structures and facilities that are in substantially the same location as, and do not exceed 110% of the footprint and height of, the primary structures and facilities that existed immediately before this emergency.

b. Accessory structures that do not exceed 110% of the footprint and height of the accessory structures that existed immediately before this emergency, and that are in substantially the same location relative to the primary structure as the accessory structures that existed immediately before the emergency. For properties subject to Coastal Commission Categorical Exclusion Order E-79-8, accessory structures covered by this subparagraph include accessory structures that are in substantially the same location relative to a primary residence as the accessory structures that existed immediately before the emergency, regardless of the size or location of the primary residence.

c. New accessory dwelling units on a residential property on which a primary residence was substantially damaged or destroyed as a result of this emergency, but only to the extent that such accessory dwelling units are built at least 10 feet from a canyon bluff or 25 feet from a coastal bluff.

d. Supportive infrastructure, including, but not limited to, foundation systems, utilities, and driveways, that is necessary to construct, install, or use the structures and facilities described in subparagraphs (a)-(c).

3. Structures and facilities described in subparagraphs (a)-(d) of Paragraph 2 are subject to the suspensions in Paragraph 1 of Executive Order N-4-25 only to the extent that they do not encroach on a public access easement or public access deed restriction, excluding any such easements or deed restrictions on the seaward side of structures or facilities on the beach, and only to the extent they do not expand farther into a previously approved public view corridor, farther into an open space deed restriction, or farther seaward on the beach than the structure or facility that existed immediately before this emergency.

4. Local agencies that issue development and building permits for development projects shall be the sole agencies that may determine whether a property or facility is eligible for the suspensions in Paragraph 1 of Executive Order N-4-25 and meets the requirements of Paragraphs 2 and 3 of this Order, and local agency planning or permit approval shall be determinative of eligibility. Such determination shall not be appealable to the California Coastal Commission or to any other state executive agency or department, and contrary provisions of the California Coastal Act (Division 20 of the Public Resources Code, commencing with section 30000) are suspended. Local agencies may develop guidance and procedures for implementing this Paragraph. In making the determinations described by this Paragraph, local agencies may consider, but are not limited to using, prior building permits, certificates of

occupancy, county accessor data, Coastal Commission records, photographic sources, such as Google Maps and Light Detection and Ranging (LiDAR), and any other reasonably available sources of information accessible to the local agency.

5. The provisions of the California Coastal Act requiring coastal development permits are suspended in Los Angeles County with regard to establishment, repair, or operation of a mobilehome park or special occupancy park, as well as replacement, installation, or repair of one or more mobilehomes, manufactured homes, or recreational vehicles located on privately-owned property when the lots are held out for rent or lease, or owner-occupied, or one or more mobilehomes, manufactured homes, or recreational vehicles located on privately-owned property when the lots are held out for rent or lease, or owner-occupied, as described in paragraph 5 of Executive Order N-9-25, for those persons displaced by this emergency and owners or operators of mobilehome or special occupancy parks providing housing for such displaced persons. This Paragraph shall apply only to the extent that any such development is not located within a public access easement or public access deed restriction, a previously approved public view corridor, or open space deed restriction. The suspensions in this Paragraph shall terminate three years from the date of this Order, after which time a local government agency may require the owner or operator of a mobilehome park or special occupancy park, or of a mobilehome, manufactured home, or recreational vehicle subject to the suspensions in this Paragraph, to obtain a coastal development permit, as applicable.

6. The expiration of any coastal development permit issued under the California Coastal Act is extended, and such permit shall continue to be valid without the need to apply for an extension, for an additional 3 years from the expiration date of such permit, with respect to projects involving properties or facilities that were substantially damaged or destroyed as a result of this emergency in Los Angeles County. To the extent any provision of the California Coastal Act, or any local ordinance authorized by the California Coastal Act, provides otherwise, it is suspended.

7. Any building permit issued for a project to repair, restore, demolish, or replace a structure or facility in Los Angeles County that was substantially damaged or destroyed as a result of this emergency shall be valid for three years from the date of issuance. To the extent it provides otherwise, Health and Safety Code section 18938.6 is suspended.

8. The reconstruction of residential dwellings that were originally designed and constructed to the 2019 California Building Standards Code and were subsequently destroyed as a result of this emergency in Los Angeles County may be permitted for reconstruction using the same design of the original dwelling that met the 2019 Codes without additional plan review at the discretion of the local enforcing agency. Any contrary provision of state law is suspended. Notwithstanding the foregoing, any applicable minimum elevation standards established in the 2022 California Building Standards Code and any subsequent updates (consistent with federal guidance on the implementation of the National Flood Insurance Program), and any applicable requirement to produce a required elevation certificate, shall continue to apply to dwellings subject to this Paragraph.

9. With respect to projects to repair, restore, demolish, or replace any residential dwelling units substantially damaged or destroyed as a result of this emergency:

    a. Government Code section 65915, subdivision (c)(3)(B), and section 66300.5, subdivision (h)(2), are suspended in the City of Los Angeles to the extent those provisions would otherwise require a project to replace residential units subject to any form of rent or price control with units affordable to income-qualified households, provided that all of the rent- or price-controlled units are replaced in compliance with the jurisdiction's rent or price control ordinance consistent with section 65915, subdivision (c)(3)(C)(ii).

    b. Government Code section 66300.5, subdivision (h)(3), is suspended in the City of Los Angeles to the extent it would otherwise require a project to replace residential dwelling units that are or were rented by lower or very low income households within the past five years, provided that any lower or very low income tenant residing in the units immediately before they were substantially damaged or destroyed is provided a right of first refusal consistent with the requirements in section 66300.6, subdivision (b)(4)(B).

10. For purposes of Government Code section 65590, projects to repair, restore, demolish, or replace any residential structure which contains less than three dwelling units substantially damaged or destroyed as a result of this emergency in any jurisdiction in Los Angeles County shall not be deemed "conversion or demolition of existing residential dwelling units" or construction of a "new housing development" if the repaired, restored, or replacement structure contains three or fewer dwelling units. To the extent any provision of section 65590 provides otherwise, it is suspended.

11. Health and Safety Code section 19851 is suspended in Los Angeles County for projects to rebuild, restore, demolish, or replace a structure substantially damaged or destroyed as result of this emergency, except that a County, or any city in the County, that duplicates a building plan maintained by the building department for a project subject to this paragraph shall require a person requesting the duplication of the plans to sign an affidavit containing the information in Health and Safety Code section 19851, subdivision (c)(2)-(3).

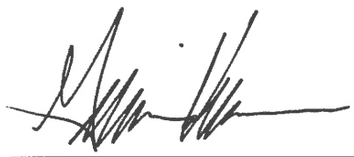
12. For the County of Los Angeles, the deadline to complete any rezonings required by Government Code section 65583, subdivision (c)(1)(A), section 65583.2, subdivision (c), and section 65583.4, subdivision (a), as pertaining to the County's sixth cycle housing element, shall be extended by 90 days.

13. With respect to efforts to repair, restore, demolish, or replace any properties or facilities substantially damaged or destroyed as a result of this emergency, Chapter 6 (commencing with section 1600) of Division 2 of the Fish and Game Code, and regulations adopted pursuant thereto, and Article 3 (commencing with section 2080) of Chapter 1.5 of Division 3 of the Fish and Game Code, and regulations adopted pursuant thereto, are suspended.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 13th day of February 2025.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH. D
Secretary of State

MALIBU REBUILDS
MALIBUREBUILDS.ORG



Best Management Practices (BMPs) for Construction Sites

For more information, visit **MalibuRebuilds.org**

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Material and Waste Management 9



Introduction

Construction sites can impact water quality if not properly managed. To protect our environment, **Best Management Practices (BMPs)** are used to reduce pollution and keep soil and debris from washing into storm drains, creeks, and the Pacific Ocean.

What Are BMPs?

BMPs are practical steps taken during construction to:

- Keep the site clean and organized,
- Prevent erosion and control sediment,
- Manage water that isn't from rain (like from washing equipment), and
- Handle waste and materials responsibly.

Key BMPs for Erosion and Sediment Control

Erosion happens when soil is worn away by wind or water. Sediment is the soil that gets carried off-site, often ending up in storm drains or waterways. To prevent this:

- **Preserve existing vegetation** whenever possible.
- Use **temporary seeding, mulching, or ground covers** like hydraulic mulch or geotextiles to protect bare soil.
- Install **perimeter controls** such as:
    - Silt fences
    - Straw wattles
    - Burlap sandbag barriers

These help trap sediment and keep it from leaving the site.

Managing Non-Stormwater

Water from activities like equipment washing or concrete work must be kept from entering storm drains. BMPs include:

- Using designated washout areas
- Preventing unauthorized discharges
- Keeping water from leaving the site untreated

Waste and Material Handling

Construction generates waste that must be managed carefully:

- Clean up debris daily
- Use spill kits and have a spill prevention plan
- Store materials properly to prevent leaks or runoff

Seasonal Considerations

BMPs are important year-round, but especially during the **rainy season (October 1 – April 15)**. Stormwater can quickly carry loose soil and pollutants into storm drains.

Contractors and site managers should:

- Keep soil piles covered or surrounded by berms
- Store excavated soil away from streets, drains, and neighboring properties
- Ensure all BMPs meet **state and federal water quality regulations**

For more information, reach out to **econsultant@malibucity.org**.

Site Management

Best Management Practice - Housekeeping



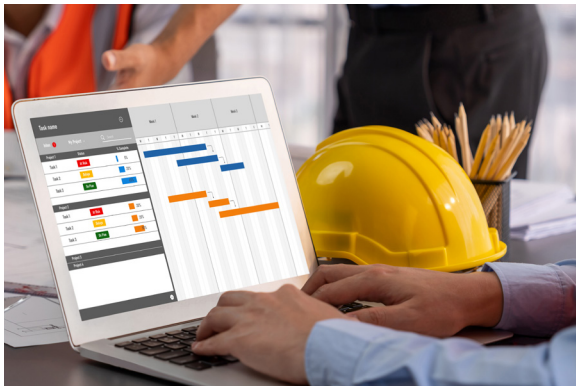
Housekeeping refers to the plans, procedures, and activities designed to minimize or prevent pollution in stormwater runoff. Good housekeeping practices include:

- Storing materials under cover whenever possible,
- Handling materials in ways that reduce the risk of spills or leaks, and
- Properly managing and disposing of waste.

These measures help protect water quality and ensure compliance with environmental regulations.

Erosion Control

Scheduling



Scheduling involves developing a written plan that outlines the sequence of construction activities and associated best management practices (BMPs), while taking local climate conditions—such as rainfall and wind—into account. Effective scheduling helps reduce the area and duration that soil remains exposed and vulnerable to erosion.



Preservation of Existing Vegetation

The most effective way to prevent erosion is to minimize disturbing the land. Preserving existing vegetation helps achieve this by identifying and protecting desirable plant cover and existing trees, which provide natural erosion and sediment control benefits.

Ground Cover - Hydraulic Mulch

Hydraulic mulch is a mixture of fibrous materials and water, blended into a slurry and sprayed onto the surface of soil. It provides temporary protection against wind and water erosion.



Ground Cover - Soil Binders

Soil binders are soil-stabilizing chemicals—such as polymers—applied to exposed soil surfaces to provide temporary erosion control. They are available in liquid or powder form and are either sprayed onto or mixed into the soil.





Ground Cover - Geotextiles and Mats

Geotextiles and mats, also known as rolled erosion control products (RECPs), are made from natural, synthetic, or blended materials. They are applied to the soil surface to create an erosion-resistant layer. When used in combination with seeding, RECPs help retain moisture, improving conditions for seed germination.

Sediment Control

Silt Fence

Silt fences are woven geotextile barriers that are trenched into the ground, secured to support stakes, and sometimes backed by a strengthening mesh. They function by ponding sediment-laden runoff, allowing sediment to settle out behind the fence before the water continues downstream.







Non-Plastic*/Burlap Fiber Rolls or Straw Wattles

Fiber rolls (also known as straw wattles) are tubes of straw, coconut fiber, or other biodegradable materials, wrapped by netting. Some fiber rolls are weighted with gravel cores for added stability. They are typically installed along contours in a trench and staked into place. Fiber rolls serve multiple sediment control functions, including:

- Slowing runoff velocity,
- Reducing slope length,
- Ponding runoff to allow sediment to settle, and
- Releasing runoff as sheet flow.

Burlap fabric or other non-plastic materials should be used. *Effective June 8, 2017, plastic sandbags are banned in Malibu.

Non-Plastic*/Burlap Gravel Bag Berm

Gravel bag berms are formed by placing a series of gravel-filled bags along a level contour to intercept sheet flow. These berms pond runoff, allowing sediment to settle out, and then gradually release the water as sheet flow. Bags used for gravel should be burlap/non-plastic.

*Effective June 8, 2017, plastic sandbags are banned in Malibu.

Non-Plastic*/Burlap Sandbag Barrier

Sandbag barriers are formed by placing a series of sand-filled bags along a level contour to intercept or divert sheet flow. They can be used to pond runoff, allowing sediment to settle out before the water is slowly released. Bags used for sand should be burlap/non-plastic.





Stabilized Construction Entrance/Exit

A stabilized construction entrance/exit is a designated access point that has been reinforced to minimize the tracking of mud and dirt onto public roads. Stabilization can be achieved using a rumble strip or a layer of appropriately sized rock placed over a geotextile fabric.

Wind Erosion Control

Wind erosion and dust control measures include applying water or chemical dust suppressants to disturbed soils, or covering stockpiles and small areas with rolled erosion control products (RECPs) or mulch to prevent dust generation during windy conditions.

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Non-Stormwater Management

Water Conservation Practices



Water conservation practices involve using water in ways that prevent erosion and reduce the transport of pollutants offsite. Key practices include:

- Limiting water use,
- Repairing leaks promptly,
- Preventing water from contacting construction materials, and
- Containing and reusing water whenever possible.

Effective June 2015, the City modified its existing restrictions for outdoor water use, for more information refer to Malibu Municipal Code Chapter 9.20 (**https://ecode360.com/MA5043**) and For Landscape Water Conservation Requirements, contact the City's Planning Department (**https://www.malibucity.org/355/Planning**)



Dewatering Operations

Dewatering operations involve removing non-stormwater from a site to allow construction activities to proceed or to support vector control. These operations must be managed to prevent the discharge of pollutants. Best Management Practices (BMPs) for sediment control - such as filtration or settling - are used to trap or remove sediment before discharge to land or surface waters. Dewatering activities must comply with all applicable local, regional, and state regulations, permits, or authorizations. For more information, contact **econsultant@malibucity.org**.

Discharges of **groundwater** from construction and project dewatering activities to surface waters within the North Santa Monica Bay Coastal Watershed, including the City of Malibu, are regulated under the **General NPDES Dewatering Permit No. CAG994004, Order No. R4-2023-0429**, or as amended. For details, contact **econsultant@malibucity.org**.

Low-volume discharges to land with minimal pollutant concentrations are considered a low threat to water quality and are subject to **General Waste Discharge Requirements (WDRs) Order No. 2003-0003-DWQ**. An example includes small-scale dewatering during excavations. For more information, contact **econsultant@malibucity.org**.

Material and Waste Management

Material Delivery and Storage

Material delivery and storage practices include:

- Minimizing the amount of material stored onsite,
- Storing materials in watertight containers or enclosed areas (e.g., sheds),
- Installing secondary containment (e.g., double-lined tanks), and
- Conducting regular inspections of stored materials.





Material Use

Material use is a procedural Best Management Practice (BMP) designed to control the quantity and handling of materials, chemicals, and hazardous substances stored onsite. This BMP helps minimize the potential for these substances to come into contact with stormwater run-on or runoff, particularly through non-stormwater discharges.

Stockpile Management

Stockpile management practices help prevent air and stormwater pollution from materials such as soil, sand, paving materials, and pressure-treated wood. These practices include properly placing stockpiles, using perimeter barriers, and covering stockpiles to minimize pollutant discharge.

Spill Prevention and Control

Spill prevention and control procedures are designed to prevent or reduce the discharge of pollutants from leaks and spills. These procedures focus on minimizing the potential for spills, stopping spills at the source, containing and cleaning up spills promptly, and properly disposing of all spill-related materials.





Solid Waste Management

Solid waste management helps prevent or reduce the discharge of pollutants by:

- Providing designated waste collection areas and containers,
- Arranging for regular waste collection, and
- Ensuring proper disposal of waste materials.

Hazardous Waste Management (if present)

Hazardous waste management involves the proper use, control, containment, and disposal of hazardous materials and waste. This Best Management Practice (BMP) is implemented in conjunction with OSHA Hazardous Waste and Materials Standards.



Contaminated Soil Management (if present)

Contaminated soil management involves identifying and controlling soils that are contaminated - or suspected of being contaminated - due to spills, illicit discharges, aerial deposition, or past land use. All contaminated soils must be managed in accordance with applicable federal, state, and local laws and regulations.



Concrete Waste Management

Concrete waste management addresses both hardened concrete waste and concrete slurry waste. Concrete washouts must be conducted in a designated, contained area, with proper disposal of all waste materials. Workers should be trained on correct washout procedures, and the washout area must be inspected regularly to ensure compliance and effectiveness.

Sanitary/Septic Waste Management

Sanitary and septic waste management is achieved by providing convenient, appropriately placed, and well-maintained facilities, along with arranging for regular servicing and proper disposal. Preferred placement for sanitation facilities is on a flat surface and away from, or upstream of, City storm drain inlets. Temporary sanitation facilities should also be equipped with secondary containment to prevent leaks or spills.





Liquid Waste Management (if present)

Liquid waste management involves the containment and proper handling of non-hazardous liquids. Disposal of liquid waste must comply with local and state laws and regulations. For more information contact City of Malibu staff at (310) 456-2489 ext. 400.

Additional BMP Resources

U.S. Environmental Protection Agency's National Menu of Best Management Practices (BMPs) for Stormwater-Construction

www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater-construction

California Department of Transportation's Construction Site best management Practices (BMPs) Manual

www.dot.ca.gov/-/media/dot-media/programs/construction/documents/environmental-compliance/construction-site-bmps_final-march-2024_a11y.pdf

California Stormwater Quality Association's 2025 Construction BMP Handbook (subscription required)

www.casqa.org/resources/bmp-handbooks/construction-bmp

For More Information

MalibuRecovers@MalibuCity.org
310-456-2489 ext. 400
MalibuRebuilds.org

Malibu Rebuild Center
23805 Stuart Ranch Road, Suite 240
Monday - Friday, 8:00 AM - 4:00 PM

MALIBU REBUILDS

This guide provides general information only. For site-specific guidance, please consult with a California Licensed Professional Engineer (PE), California Licensed Registered Geologist (RG), Qualified Stormwater Pollution Prevention Plan Developer (QSD), or Qualified Stormwater Pollution Plan Practitioner (QSP).

ONSITE WASTEWATER TREATMENT SYSTEM FIRE DAMAGE ASSESSMENT

Each Onsite Wastewater Treatment System (OWTS) proposed to be utilized for sewage disposal following fire damage to a property, is required to be inspected by a City-registered OWTS Inspector and approved by the City prior to use. A list of City-registered OWTS Inspectors can be found at MalibuCity.org/Practitioners. Submit this form to the Environmental Health office.

OCCUPY (CIRCLE ONE)

Existing Structure (not damaged) Rebuild Structure

SITE INFORMATION

Site Address _____ APN _____

Property Owner _____

Mailing Address _____

Email Address _____ Phone Number _____

No. of OWTS on the subject property _____

CITY-REGISTERED OWTS INSPECTOR

Name _____ License Number _____

Company _____

I certify that I have personally inspected the onsite wastewater treatment system at this address and that the information reported below is true, accurate and complete as of the time of the inspection. I am a City of Malibu-registered OWTS Inspector pursuant to Section 5.38.040, of the Malibu Municipal Code.

Condition of OWTS (circle one)

Passes Fails (detailed below) Requires repair (detailed below)

Signature of Practitioner _____ Date of Inspection _____

Comments (attach additional sheets if necessary)

_____

_____

_____

_____

_____

FOUNDATION REUSE AFTER A WILDFIRE

The standard procedure for removal of debris at a property with a severely damaged or destroyed structure is to completely remove and dispose of the foundation. Existing footings, slabs, and foundation systems in fire-destroyed buildings are typically compromised and are not permitted to be re-used.

Intense heat and fire can render a foundation unusable, or impractical for re-use for the following reasons:

1. A fire can generate enough heat to damage and weaken the concrete and steel reinforcement bars in footings, slabs, and footing stem walls. Even though concrete is non-flammable and offers fire protective qualities for preventing the spread of fire, it loses most, if not all of its structural strength characteristics when exposed to extreme heat. Performing compressive tests to confirm that the concrete has retained sufficient strength for reusing can be destructive and is not cost effective.

2. Foundation anchorage hardware (steel bolts and holdown anchors) is compromised during a fire and cannot be replaced or repaired without expense. Installing replacement anchors in an existing footing is labor intensive and requires special inspections during installation, which can add significant cost. Replacement anchors for holdown hardware must be re-engineered and are difficult and expensive to install in existing concrete footings. It requires special hardware and installation techniques involving high-strength epoxies, careful drilling, and continuous special inspection for new anchor placement.

3. Plumbing pipes and electrical conduit embedded in the concrete is usually destroyed or heavily damaged during a fire. Repairs and replacement of pipes and conduits in existing foundations involves the removal and replacement of portions of the concrete that encapsulates them, which further compromises the concrete. This process usually involves saw cutting and jackhammering out those portions of concrete containing pipes and conduits, removing and replacing the damaged pipes and conduit, and pouring the replacement concrete.



FOUNDATION FEASIBILITY REPORT FOR FIRE DAMAGED STRUCTURES

GENERAL INFORMATION

Existing foundations in fire damaged buildings and structures require a feasibility review by the Community Development Department. This review only considers the durability and soundness of concrete foundations including slabs, footings, piles, and retaining walls based on the testing data described below.

Timber Piles may not be reused as a foundation system as per current County of Los Angeles Building Code, Section 1810.3.2.4.

The feasibility review is the first of two mandatory steps before potentially reusing the foundation. The second step is the plan review process. The foundation shall meet minimum code requirements (current Los Angeles County Code, current California Building Code, and all other referenced codes and standards) during the plan review stage. The California-licensed design professional of record must provide details, calculations, and a narrative of repairs necessary for proof that the foundation meets minimum current code requirements for the plan review process. The foundation shall also meet minimum requirements and recommendations by a California licensed geotechnical engineer provided in a soils report or an update letter.

The submittal of the feasibility report or the City's acceptance of the report does not guarantee that the foundation may be reused for the construction of a new building or structure. The acceptance of the report allows for building plans to be submitted for plan review. During the plan review process, the foundation may be deemed unacceptable for reuse. The owner(s) shall be aware of all the risks in the form of additional costs or the failure to reuse the existing foundation.

FEASIBILITY REPORT

This guideline presents the minimum required information to be provided on the feasibility report prepared by a California-licensed civil engineer, or structural engineer. All testing shall follow specific codes and standards. Failure to do so will result in corrections needed before approval.

1. **Visual Inspection**: All locations of surface crazing, concrete cracking, surface erosion, spalling and discoloration of concrete shall be identified, photographed, and included in the report. Provide a description regarding the damage of the concrete observed including steel reinforcement and anchor bolts.

2. **Non-Destructive Testing**: Schmidt Hammer test (ASTM C805-18) shall be performed on the foundation to assess the in-place uniformity of concrete, to delineate variations in concrete quality throughout a structure, and to estimate in-place strength. The testing shall be performed at various locations of the foundation including areas with little to no fire damage and areas with damage. Provide a sketch of the foundation or retaining wall showing the locations where tests

have been taken from. The corresponding test results shall be clearly stated for each test. Based on the Schmidt Hammer testing results, destructive concrete testing per section 3 noted below shall be conducted to confirm concrete compressive strength. Note: Foundation elements with compressive strengths less than 2,500 psi are not allowed to be reused.

3. **Destructive Testing**: Core sample testing is required to confirm the concrete compressive strength for all fire damaged foundation systems Concrete core testing shall be in conformance with ASTM C42-20, ACI 214.4R-10, and other referenced codes and standards. (Note: Shotcrete testing method shall be per ASTM C1604/C1604M-05) The destructive testing shall be conducted by a certified testing laboratory and the testing results shall be documented in a formal report confirming the concrete strength results.

4. **Tensile Testing**: Any existing tension devices to be reused including holdowns, anchor bolts, and mudsill anchors shall have pull out tests performed in accordance with ASTM C900-23. All holdown anchors to be reused shall be load tested for a minimum load that matches the holdown manufacturer's listed tension design capacity. The minimum testing force for anchor bolts and mudsill anchors shall be 1,000 lbs tension force. The frequency of the testing shall be 25% of anchor bolts / mudsill anchors and shall be selected at random to be tested and certified. Failing bolts shall be identified and not used.

5. **Geotechnical**: The existing foundation and bearing material must be evaluated by a California licensed Geotechnical Engineer or licensed Civil Engineer practicing soils engineering. A discussion about the suitability of the foundation and the bearing material shall be provided in a soils report prepared for the property (a limited report or comprehensive report) in conformance with the Geotechnical Fire Rebuild Guidelines and current County of Los Angeles adopted Building Codes and ordinances, as adopted by the City of Malibu in the Malibu Municipal Code. Please note if any of the following conditions occur at the site, additional requirements, documentation, and justification may be required by the ESD Geology Department for the foundation reuse: uncertified fill, landslides, settlement, slippage, inadequate foundation setbacks and building clearance from descending and ascending slopes respectively, and any other known or potential geologic hazards.

In addition to the observations, testing data, and findings, the foundation feasibility report shall include an assessment from the California licensed Civil or Structural Engineer of record regarding the structural integrity and durability of the concrete. The report should include engineering justification for keeping the foundation and recommendations for any remedial work that will be required to address the observed defects and to provide compliance with the current County of Los Angeles Building codes adopted by the City in the Malibu Municipal Code. Building plans may be submitted for plan review after the feasibility report is found acceptable by the Community Development Department and approved by the Building Official. The feasibility report may be submitted and reviewed concurrently with the building plans.

MALIBU REBUILDS
MALIBUREBUILDS.ORG



PALISADES FIRE

PERMIT REQUIREMENTS FOR INSTALLING TEMPORARY HOUSING

MalibuCity.org/PalisadesFire

PROCESS SUMMARY

Follow the process and guidelines below to get into your temporary residence as quickly as possible.

1. Complete the Cleanup/Debris Removal Process.
2. Determine if your Onsite Wastewater Treatment System (OWTS) also known as a septic system — is functional. See requirements under "OWTS (Septic) Requirements" on page 4
3. Provide 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.
4. Prepare your Temporary Housing documents for submittal, including:
    - Planning application for Temporary Housing.
    - Site Plan. See requirements under "Site Plan Requirements" below.
5. Submit your Temporary Housing Application to Planning.
6. Make an appointment with the Building Official to obtain clearance for your temporary housing application. If approved by both Planning and Building Safety, permits will be issued.
7. Receive your Temporary Housing Building Permit. The permit will be issued to either a Licensed Contractor, B License contractor, or Owner/Builder. Electrical permits to be issued to C-10 licensed contractors only.
8. Reinstate electrical, gas, and water service. See additional details under "Electrical Service Requirements" on page 5 "Natural Gas Service Requirements" on page 6 and "Water Service Requirements" on page 6.
9. Place or build your temporary home!

SITE PLAN REQUIREMENTS

On your site plan, please include:

- Location of temporary housing unit(s). See rules "Rules for Temporary Housing" on page 3.
- Description of proposed temporary housing unit.
- Location of the physical posting of the property address. See "Address Identification" on page 6.
- Location of OWTS.
- Location of water service meter.
- Location of electrical service, as determined by SCE.
- Location of gas service meter, if applicable.

RULES FOR TEMPORARY HOUSING

- Temporary housing structures are defined as mobile homes, 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.
- Conditions of approval in the Planning Application attached includes the following:
    1. No more than two (2) temporary housing structures which together total no more than 1,000 square feet will be permitted.
    2. No additional grading will be allowed, beyond that permitted as part of the development plan.
    3. The temporary housing must be placed within the existing development area as defined by the City of Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP). The temporary housing must be placed on the development pad to be used for reconstruction.
    4. The temporary housing structure must include skirting.
    5. The temporary housing structure may not include any structural attachments.
    6. Additional conditions of approval state that owners must:
        - Provide the City with written authorization from the owner allowing the City to terminate all utilities upon expiration of the period for which the temporary housing structure is permitted to remain on the property.
        - 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.
- 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.
- Temporary housing structure permits expire after four (4) years from the date of planning approval but may be renewed in one-year increments, for a maximum of six (6) years, provided that a building permit for the reconstruction has been issued, and regular inspections are occurring.
- Temporary housing structure(s) must be removed from the lot prior to final approval (e.g., Certificate of Occupancy) by the Building Official for the reconstructed residence unless the temporary housing structure is permitted and converted into a permanent structure stored in compliance with the LCP (ask us how to do this!). An RV may remain on the lot and would no longer be considered a temporary housing structure if it is disconnected from utilities and legally stored in compliance with the LCP.
- 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.

OWTS (SEPTIC) REQUIREMENTS

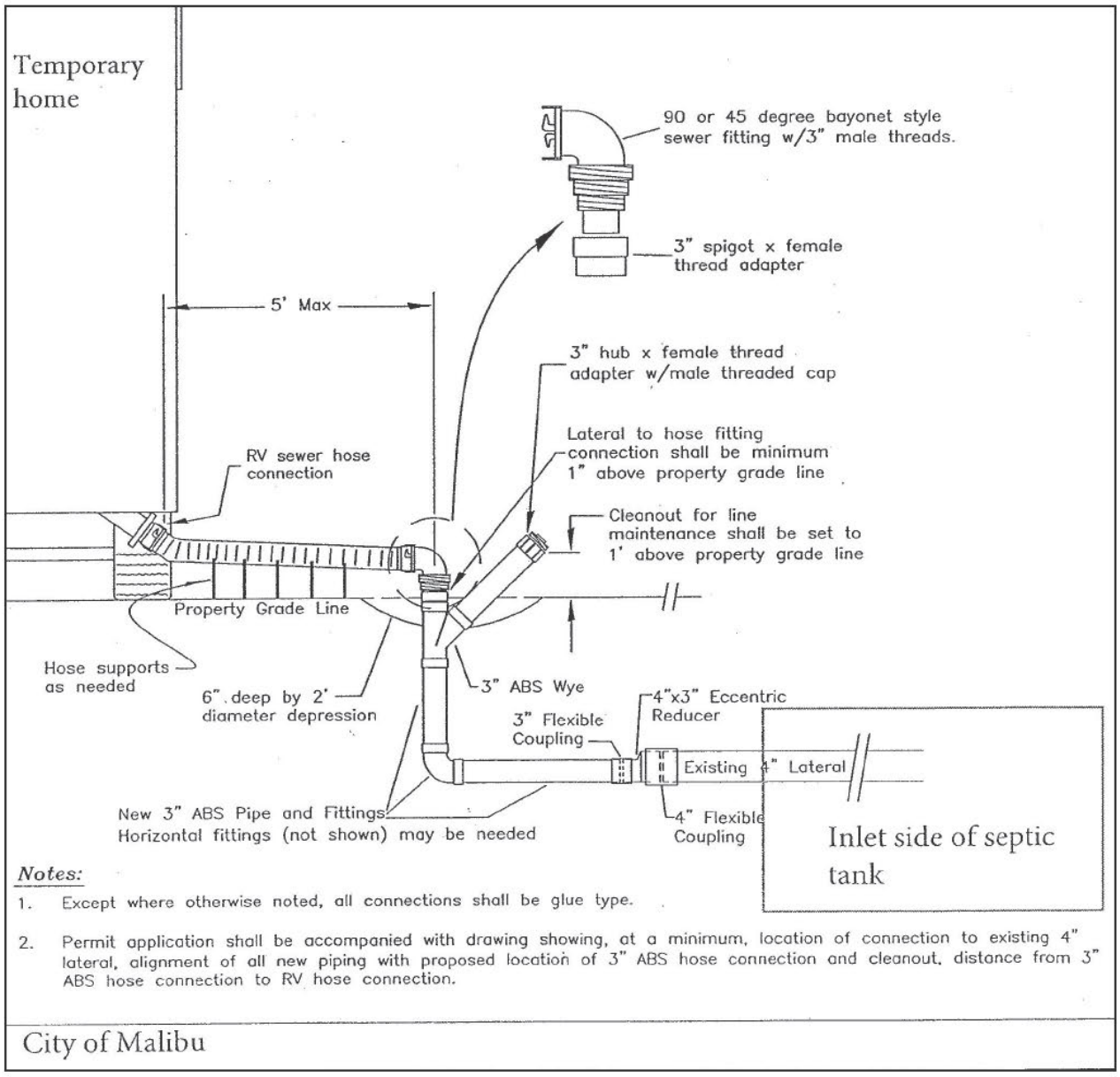
Before a Temporary Housing Permit may be issued, you must prove functionality of your existing OWTS.

To do so:

1. Obtain an inspection of the OWTS by a City Registered OWTS Practitioner.
2. Submit, or ask the OWTS Practitioner to submit on your behalf, the assessment form and site plan to Environmental Health staff for evaluation and approval.

   Please note that any repairs/replacement to the OWTS must be made prior to utilization of the OWTS.

TEMPORARY SEWAGE DISPOSAL CONNECTION



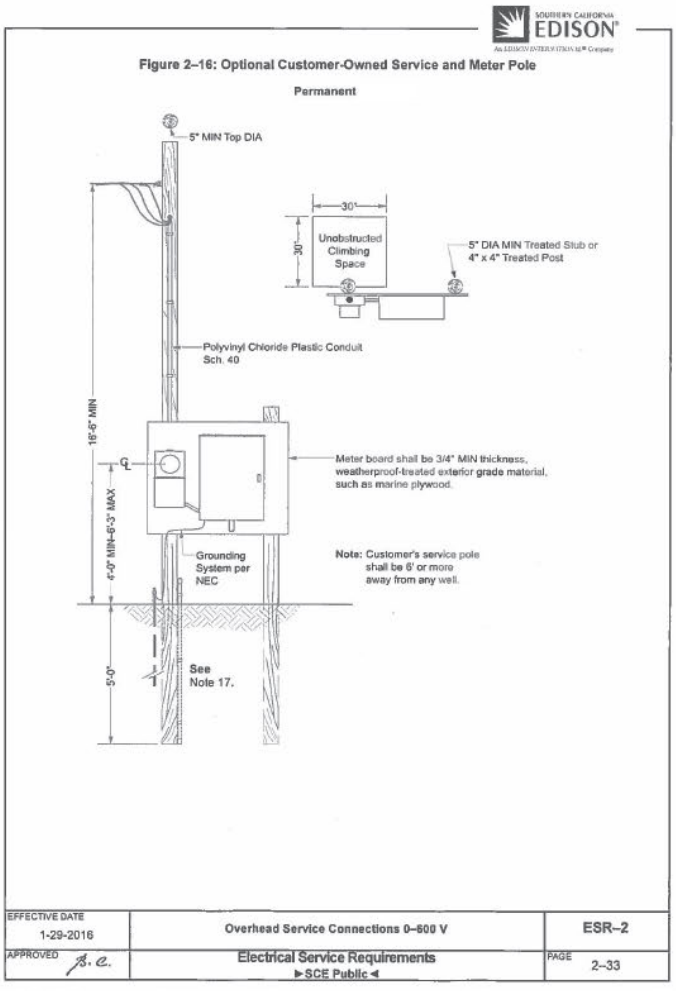
ELECTRICAL SERVICE REQUIREMENTS

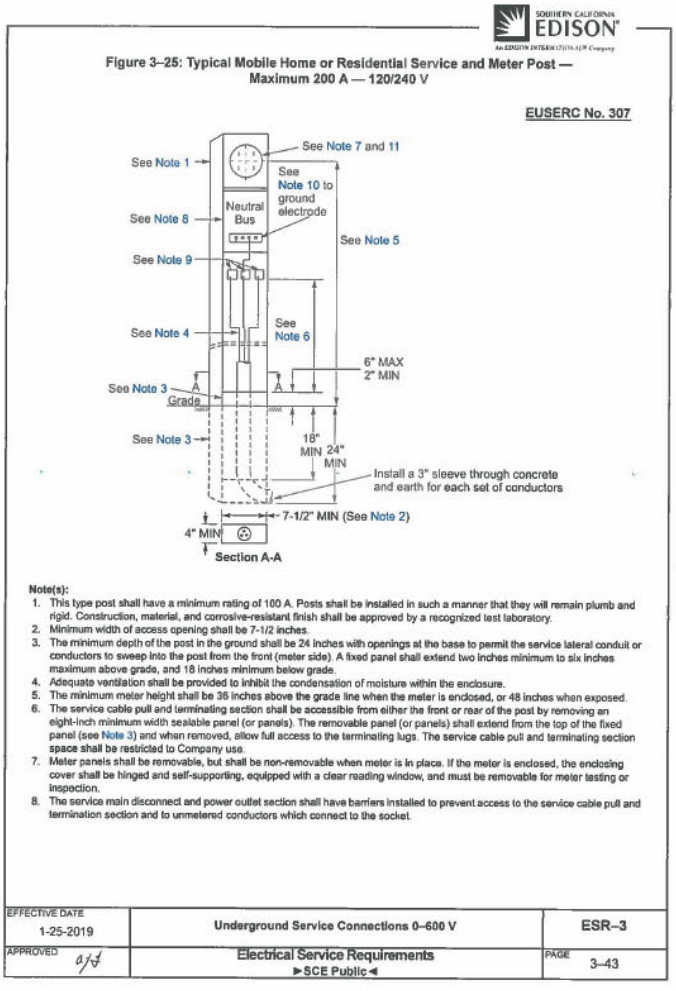
To document how electrical service to the temporary housing unit(s) will be installed please include the following on your site plan:

- The distance from the meter service to the proposed temporary housing unit(s)
- The size and height of the electrical meter pedestal
- All requirements of the Malibu Electrical Code apply to the installation from the junction box to the meter location
- No temporary power poles will be allowed

To reestablish electrical service, please contact:

Southern California Edison
Meter Service Information 800-655-4555 Option 3
Malibu Business Office 800-611-1911





WATER SERVICE REQUIREMENTS

To document how water service to the temporary housing unit(s) will be installed please include the following on your site plan:

- Distance from the water service meter to the proposed temporary housing unit(s)
- Type and size of materials that will be used (ex. ¾" PVC pipe)
- Location and depth of the water line trench to be completed per Malibu Plumbing Code

To reestablish water service, please contact:

Los Angeles County Waterworks District 29
23533 Civic Center Way, Malibu, CA 90265 877- 637-3661

If your property uses private water wells, please contact:

Los Angeles County Public Health – Drinking Water Program
5050 Commerce Dr, Baldwin Park, CA 91706
626-430-5420 waterquality@ph.lacounty.gov

NATURAL GAS SERVICE REQUIREMENTS

To document how gas service to the temporary housing unit(s) will be installed, please include the following on your site plan:

- Distance from the gas service meter to the proposed temporary housing unit(s)
- Type and size of materials that will be used (ex. ¾" PVC pipe)
- Location and depth of the gas line trench to be completed per Malibu Plumbing Code

To reestablish gas service, please contact:

Southern California Gas
800-427-2200 or socalgas.com

ADDRESS IDENTIFICATION

The address identification is required to be legible and placed in a position that is visible from the street or road fronting the property. Numbers are required to be at least 4 inches high and a minimum of ½ inch wide. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public right of way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

MALIBU REBUILDS

CITY OF MALIBU
FIRE REBUILD —COASTAL ENGINEERING GUIDELINES
(v2. April 23, 2026)

INTRODUCTION

The City of Malibu Community Development Department has prepared these guidelines to assist property owners in safely and expeditiously rebuilding their fire-damaged properties. This update presents minor clarifications to the prior version and presents a Technical Addendum for wave uprush reports to clarify technical standards for the consultants. This update DOES NOT represent a change in how fire rebuild policies or design standards are applied to beachfront fire rebuilds.

All design requirements are governed by the Malibu Municipal Code (MMC) (primarily sections 15.20, 15.40 and 15.42 for beachfront properties), the Local Area Management Plan (LAMP), Los Angeles County Code Sections 110 and 111, California Building Code, ASCE 24 and FEMA regulations. Malibu has adopted modifications to Zoning Code affecting beachfront rebuilds dated .

Summary of City Council adopted policies and Technical Addendum:

1. Subsequent to Version 1 (published 4-18-2026) of the Coastal Engineering Fire Rebuild Guidelines, City Council has adopted Zoning Fire Rebuild Policies and Codes that adapt Section 17.40.040 Residential Development Standards Section A.5.b which governs minimum required building Finished Floor Elevations (FFE) with respect to wave uprush, specifically for Palisades Fire rebuilds. The minimum design FFE required is governed solely by FEMA Design Flood Elevation (BFE +1), and while wave uprush may inform recommended design elevations, it does not determine the minimum required by the City.
2. An addendum table has been added to clarify the ranges of technical design parameters and recommended design considerations that were developed by the Los Angeles County Coastal Engineering Department in the 1970's, used by the many practicing coastal engineering consultants in preparing wave uprush studies. These standards still apply for fire rebuilds.

To summarize recommended design elevations:

- The minimum design FFE and limitations on allowable height of beachfront homes rebuilt under Planning Verification entitlement (PFPF) are governed by the adopted Malibu City Council Rebuild Policies of October 2025. Only FEMA flood regulations will apply to the primary structure, as required by federal law. Wave uprush studies may inform design recommendations for FFE but are not required for the primary structure.
- The design of Onsite Wastewater Systems (OWTS) and Shoreline Protection Devices (SPD) are governed by Malibu Municipal Code Chapter 15 (which requires coastal engineering reports), the LAMP and wave uprush elevations govern the design of these elements. Although a wave uprush report is required for this development, no additional sea level rise requirements will be imposed by the City. Instead positions and elevations of these understructure elements will be at the recommendation of the applicant's stamped coastal engineering report and reviewed by the City for conformance with the LAMP and the MMC. This is in line with the adopted Rebuild Policies linked above.

- Effectively the minimum design elevations for the primary structure (FFE) and the understructure (OWTS and SPD) are governed by 2 different standards. Where recommended and minimum design elevations conflict, the Community Development Department may consider modifications on a case-by-case basis.

COASTAL ENGINEERING REPORTS FOR BEACHFRONT PROPERTIES 4-21-26 (v2.)

For all beachfront property rebuilds, a Coastal Engineering report is required that conforms to the City of Malibu *Guidelines for the Preparation of Coastal Engineering Reports* and applicable sections of the Codes listed above. In addition, the following limitations and restrictions apply for beachfront fire rebuilds:

- If the property has an existing seawall that is NOT damaged, and is proposed to be re-used as is, the seawall must be demonstrated to be adequate to serve the structures it is intended to protect through for a specified time frame as determined through an assessment conducted by a structural and coastal engineer.
- If the property has an existing shoreline protection device that is damaged and proposed to be repaired and reused, a Coastal Engineering or Structural Evaluation of the existing ~~seawall~~ shoreline protection device must be performed in accordance with the City of Malibu's guidelines, Foundation Feasibility report for Fire Damage Structures or other applicable standards. The repair or modification must bring the structure into conformance with current code.
- All projects must conform to FEMA Floodplain requirements as codified in the Malibu Municipal Code, including Appendix G of the California Building Code – Flood Resistant Construction.
- No timber piles are allowed to be used or reused for any structure.
- Foundations for seawalls in FEMA VE Zones shall not be structurally connected to structural support for the house.

Applicable Code Sections

While the Governor's Order suspends Fire Rebuilds from the City's Local Coastal Program, this suspension of the Coastal Act does not allow for to the Building Code or the Malibu Municipal Code to be waived, specifically the following sections related to both buildings and onsite wastewater treatment systems on the beachfront:

1. 15.40.110 Shoreline Protection Devices, https://ecode360.com/44336047 and
2. 15.42.030 Siting criteria, https://ecode360.com/44336095 (has setback Table **15.42.030(E))**
3. 15.42.140 OWTS. https://ecode360.com/44336287
4. 15.20.150 Coastal high Hazard Areas (Zone VE). https://ecode360.com/44335784
5. California Building Code (2022 or latest adopted edition) Appendix G Flood Resistant Construction.

Coastal Engineering Report Requirements(See links under References below).

- City of Malibu codes and guidelines for beachfront parcels and OWTS standards require a coastal engineering report (wave uprush study) to determine that the proposed structures meet the building code and MMC.
- The coastal engineering report must be prepared by a California licensed civil engineer specializing in coastal engineering. Engineers qualified to prepare these reports are governed by Professional Engineers Act (*Business and Professions Code §§ 6700 – 6799***)** and the accompanying *Board Rules and Regulations Relating to the Practices of Professional Engineering and Professional Land Surveying (California Code of Regulations, Title 16, Division 5 §§ 400-476*).
- Reports must conform to the adopted Guidelines for Preparation of Coastal Engineering Reports (2014).

- It is recommended that potential impacts due to Sea Level Rise be evaluated in the wave uprush analyses, but sea level rise is not required to be included by the City. For reference, the current California Coastal Commission Guidelines recommend the use of Intermediate to High Sea level rise, where feasible, but indicate Intermediate is acceptable to evaluate sea level rise impacts.
- For Fire Rebuilds, it is recommended but not required that both Intermediate and Intermediate to High Sea Level Rise scenarios should be evaluated for a 100-year period from the time a project is anticipated to be complete, based on Table F-11-- Sea Level Scenarios for Santa Monica in the CCC 2024 Guidance. However, less than the 100-year period may be allowable depending on the findings in the coastal engineering report as determined by the Malibu City Council Rebuild Policies.
- Intermediate sea level rise has been accepted for use in design provided there are feasible future adaptations to the structure or on the property to mitigate greater sea level rise, should it occur.
- All reports should include recommendations for inspection and monitoring of the Shoreline Protection Device.

The Building Code and the policy and guidelines that address implementation of the code are about life safety and protection of property. In the event that there is a section of the code that requires interpretation, all final decisions rest with the Building Official.

Governors Executive Orders

The guidelines are intended to address the Governor's Executive Orders and include the Council Rebuild Policies (while also ensuring adherence adopted Building Codes which is not waived by the Governor or the Council) to allow affected property owners to quickly rebuild their fire-damaged structures. The Executive Order regarding construction of ADUs may be limited by other codes and regulations.

Code and Policy References

City of Malibu, *GUIDELINES FOR THE PREPARATION OF COASTAL ENGINEERING REPORTS AND PROCEDURES FOR REPORT SUBMITTAL*
https://www.malibucity.org/DocumentCenter/View/5600/Coastal-Engineering-Guidelines?bidId=

Malibu Municipal Code https://ecode360.com/44342329

Regulations, Policies & Guidelines for Rebuilding, https://maliburebuilds.org/regulations-policies-guidelines-for-rebuilding/

TECHNICAL ADDENDUM – Coastal Engineering Technical Parameters

The purpose in providing this addendum is to clarify design parameters and provide technical background for coastal engineering reports prepared by consultants, and minimum standards against which the reports will be reviewed. The technical parameters used by practicing coastal engineers in the County of Los Angeles, and the City of Malibu, were developed in the 1980s by the County (principally John Hale, PE) and published in July 1983 as the Beachfront Construction Policy for the Malibu Regional Office of Los Angeles County Engineer-Facilities. That policy specified the technical parameters used in coastal engineering reports required under the section Bulkhead Design and Construction, performed in accordance with the Shoreline Protection Manual (SPM) prepared by United States Army Corps of Engineers Coastal Engineering Research Center (USACE-CERC, 1984).

While the SPM has been updated and republished as the Coastal Engineering Manual (CEM) in April 2002, the methodologies for evaluating wave uprush are the same. The development of the technical parameters were documented in peer-reviewed papers (referenced below) published between 1974 and 1983. Subsequent documentation of the effects the coastal storms experienced in 1983 and 1988 also inform the recommended technical parameters. Other technical design parameters may be analyzed, and in the future these standards may be re-evaluated and updated in a comprehensive manner, however these parameters have proven successful for the last 50 years.

In addition to these parameters, standard practice is now to include sea level rise based on NOAA's *Global and Regional Sea Level Rise Scenario's for the United States* (February 2023) as adopted by the State of California Ocean Protection Council in the *Sea Level Rise Guidance, 2024 Science and Policy Update* (November 2024). Although these standards typically require full review of sea level rise scenarios, the coastal engineering guidelines have been crafted to meet the policies adopted by the Malibu City Council and the Executive Orders of the Governor of California to expedite fire rebuilds.

Coastal Engineering Design Technical Parameters for Fire Rebuilds[(1)]

Design Parameter	Recommended Values	Comments
Elevations	All elevations shall be presented in NAVD88.	Required by Malibu Municipal Code.
Design Wave Heights and periods	H'o= 9.3 to 11.7 foot wave, 10s period H'o= 2.3 to 3.3 foot wave, 18s period	LA County standards
Design Tide	• 6 ft MLLW minimum	Can be adjusted in conjunction with storm surge and sea level rise to achieve reasonable Design Still Water Level.
Storm Surge	• 0 to 1 ft	Can be adjusted in conjunction with tide and sea level rise to achieve reasonable Design Still Water Level. Generally speaking, storm surge is not significant.
Design beach profile[(2)]	• LA County Beach profiles • Fugro Survey 2001, 2005 (reoccupied AL County profiles) • FEMA 2012 Transects (as applicable	Order of preference, consider documentation and proximity of data.
Maximum scour depth	4 to 10 feet depending on beach and storm conditions	Consider beach composition and presence of cobble layers

Sea Level Rise[3]	Evaluate at 40 and 100 yrs, conditions, and potential impacts	Should reference Santa Monica as representative. If using Santa Barbara, provide rationale.
Rock Revetment Design	• Rock Revetment SPD analysis and design should use a minimum friction value of "r" = 0.50 to 0.55 per Table 7-2 of the SPM. • Rock Revetment Face shall not have a steeper slope than 1-1/2 Horizontal to 1 Vertical (1.5 H : 1.0 V).	Reference Army Corps of Engineers Shore Protection Manual, Table 7-2.

Notes:

[1]Adopted from the standards developed by Los Angeles County Coastal Engineering Division as defined in the Beachfront Construction Policy adopted July 1983. Because the coastal fire rebuilds are primarily along the eastern 4.5 miles of Malibu, the variation in wave conditions is not expected to be significant. Additionally, consultants should consider weighted or factored probabilities when selecting parameters.

[2] **Beach Profile Information:** The City is in the process of gathering all the beach profile data to make available to all coastal engineering consultants. Documented survey data that can be referenced to current survey data is preferable over more recent but poorly documented or secondary data. Over the years various agencies have obtained this information in both hard copy and digital format, and the City has only been provided a limited data set or none at all.

- Older LA County Beach Profiles are available in existing coastal engineering reports on file in OnBase.
- In 2001 and 2005 , under contract to USACE, Fugro Survey reoccupied LA County beach stations and profiles were resurveyed. This information is not readily available at this time, and the City is in the process of trying to obtain these surveys in simple digital format.
- 2012 FEMA Transects are infrequent and do not cover all beach conditions or typical profiles. They are not readily available or in a format that is easily geo-referenced.
- Offshore LiDAR data is available for 2012 and later but requires data processing and geo-referencing.
- Where beach profile data is limited or not available, coastal engineers may use the method of predicting erosion and foreshore slope movement based documented by John Hale, FASCE, LA County Coastal Engineering Section in *Coastal Sediments, Los Angeles County* (Coastal Sediments, ASCE, 1977), pp. 461-474. This method is based on use of Historical Mean High Tide Line (MHTL) data from surveys, maps, and photographs to determine past Historical Beach Foreshore Slope locations in the statistical determination of the Design Beach Profile.

[3]**Sea Level Rise and adaptive strategies**: Recommended design elevations based on sea level rise less than 100 years must be accompanied by adaptive recommendations, and conditions that trigger implementation. Recommendations should be incorporated into the Shoreline Protection Monitoring program.

Technical References

Armstrong, George, and Reinhard Flick (1989). *Storm Damage Assessment for the January 1988 Storm Along the Southern California Shoreline* in Shore and Beach, October 1989, pp. 18-34.

Hale, John S. (1974). *Wave Statistics for Surfzone Structures* in Proceedings of the International Symposium on Ocean Wave Measurement and Analysis, Vol1, September 9-11, 1974, pp. 454-466, ASCE.

Hale, John S. (1975). *Modeling the Ocean Shoreline* in Shore and Beach, Journal of the American Shore and Beach Preservation Association, Vol. 43, No.2, pp. 35-41.

Hale, John S. (1977). *Coastal Sediments, Los Angeles County* in Coastal Sediments '77, pp. 460-475, ASCE.

Hale, John S. (June 1983). *Coastal and Ocean Management* in Coastal Zone '83 (vol. III), Proceedings of the Third Symposium on Coastal and Ocean Management, pp. 2387-2400, ASCE.

National Research Council. 1984. *California Coastal Erosion and Storm Damage During the Winter of 1982-83: A Reconnaissance Report*. Washington, DC: The National Academies Press. https://doi.org/10.17226/19391.

State of California Sea Level Rise Guidance, 2024 Science and Policy Update
https://documents.coastal.ca.gov/assets/slr/guidance/2024/2024AdoptedSLRPolicyGuidanceUpdate.pdf

Coastal Engineering Consultants currently working in Malibu (as of July 1, 2025)

David C. Weiss, Structural Engineer & Associates 20812 Ventura Boulevard, Suite 200 Woodland Hills, CA 91364 (O) 818.227.8040 x115 (F) 818.227.8041 Dave@dcwse.com Janelle@dcwse.com	Reg K. Browne PE President / Principal Engineer **Pacific Engineering Group** Consulting Engineers Coastal - Civil - Structural – Mining 3625 E. Thousand Oaks Blvd. Suite 254 Westlake Village, CA 91362 P: (805) 278-9283 Email: Surfgodreg@aol.com
ENGEO Walt Crampton, PE Joe Tootle, PE **ENGEO/Terra Costa Engineering** (925) 766-8341 3890 Murphy Canyon Road, Suite 200, San Diego CA 92123 (925) 766-8341 Walt Crampton cell: 619-540-9257 Wcrampton@engeo.com jtootle@engeo.com	Janelle Lau, P.E. **Moana Engineering** 23823 Malibu Road, #50-361 Malibu, CA 90265 P: 805.394.8227 Email: janelle@moanaengineering.com
Dave Skelly **GeoSoils, Inc., a division of NEC Group, Inc.** 1817 Aston Avenue, Suite 104 Carlsbad, CA 92008 (760) 438-3155 x431 (760) 494-0135 direct (760) 931-0915 fax dskelly@geosoils.com	Thomas Fischetti Hamid **Noble Consultants, Inc. (NCI)** 2201 Dupont Drive, Suite 830 Irvine, CA 92612 (949) 752-1530 Fax (949) 752-8381 Email: hbazgirkhoob@nobleconsultants.com
Moffatt & Nichol Weixia Jin, PhD, PE, BC.CE Moffatt & Nichol 555 Anton Boulevard, Suite 400 | Costa Mesa , CA 92626 , D +1 (657) 261-2651 | O +1 (657) 261-2699 | M +1 (949) 836-7338 wjin@moffattnichol.com	**RRM Design Group** Michael Hamilton MCHamilton@rrmdesign.com Alan Lewis, PhD, PE, CFM alewis@rrmdesign.com Ventura and Santa Barbara Project Engineer | Civil Engineering Direct: (805) 883-5207 | Mobile: (805) 807-5593 rrmdesign.com | Careers | Linkedin

CALTRANS ENCROACHMENT PERMITS FOR FIRE REBUILDS

A Caltrans Encroachment Permit will be required for properties along Pacific Coast Highway prior to issuance of Building permits from the City of Malibu. Note: You may submit your plans for review with the City while obtaining Caltrans Encroachment Permit approvals.

An encroachment permit must be obtained for all proposed activities related to the placement of encroachments within, under, or over the State highway rights of way. An example of work requiring an encroachment permit is placement of a construction debris and/or recycling bin.

PERMITS

All work performed within State highway right-of-way must conform to California Department of Transportation (CalTrans) construction standards including the Encroachment Permits Manual, Standard Specifications, Standard Plans, Project Development Procedures Manual, Highway Design Manual and Special Provisions. The applicant must comply with the "Encroachment Permit General Provisions" (TR-0045), and the Stormwater Special Provisions (TR-0400) available at:



DOT.CA.gov/-/Media/DOT-Media/Programs/Traffic-Operations/Documents/Encroachment-Permits/Appendix-K-ADA-a11y.pdf

- Apply Online CEPS.DOT.CA.gov
- Applications and Forms DOT.CA.gov/Programs/Traffic-Operations/ep/Applications
- Encroachment Permit Application Guide Booklet DOT.CA.gov/Programs/Traffic-Operations/ep/Guidelines

Local Office Contact Information

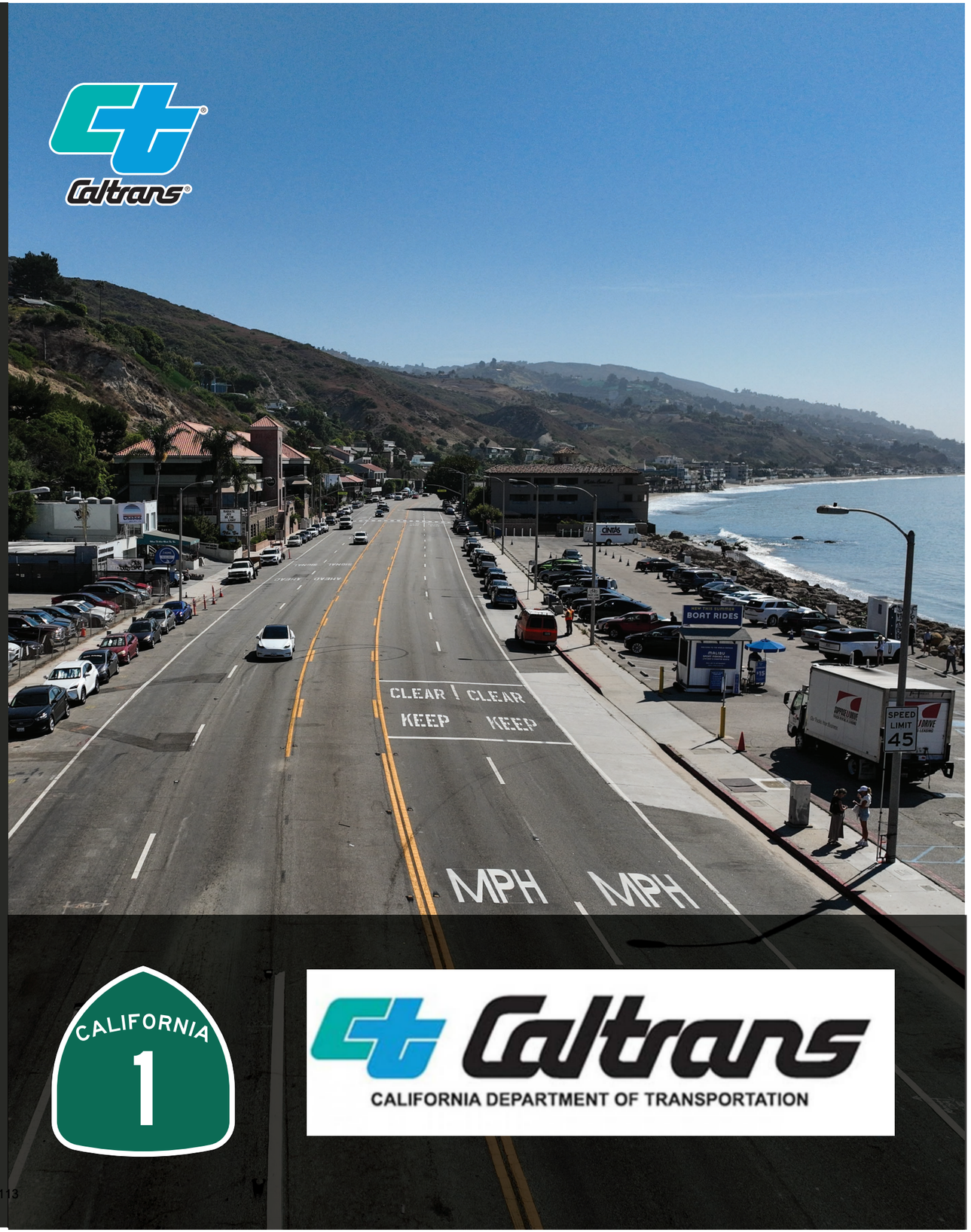
District 7
100 South Main Street, Suite 100
Los Angeles, CA 90012
(213) 897-3631
(213) 897-0420 FAX
D7.Permits@dot.ca.gov

CALTRANS ENCROACHMENT PERMIT

QUESTIONS & ANSWERS

POINTS OF CONTACT

Caltrans Permit Office
Phone: 213-897-3631
Website: https://https://dot.ca.gov/programs/traffic-operations/ep



FREQUENTLY ASKED QUESTIONS

Caltrans Encroachment Permit

Q: Do I need a Caltrans Encroachment Permit?
A: Yes, An encroachment permit must be obtained for all proposed activities related to the placement of encroachments within, under, or over the State highway rights of way. Some examples of work requiring an encroachment permit are utilities, excavations, vegetation planting or trimming, surveys, mailboxes, driveways, temporary traffic control or any construction activities.

Q: How/where do I apply for an Encroachment Permit and what are the fees to process my application?
A: The Applicants must complete a current "Standard Encroachment Permit Application" (form TR-0100), attach supporting documentation such as: plans, location map, environmental documentation, letter of authorization, surety bonds, liability insurance, any applicable fees, etc. and submit them to the appropriate District Encroachment Permits Office having jurisdictional authority over the proposed encroachment site.

Application website: Public Portal CEPS https://ceps.dot.ca.gov/

District Encroachment Permits Offices' Contact Information: D7.Permits@dot.ca.gov (213) 897-2937

Fees vary depending on the type of encroachment and the number of staff hours needed to review and inspect it. Typically, a deposit is required when the application package is submitted. The hourly rate is $173 as of March 1, 2025. The hourly rate is adjusted each calendar year to ensure Caltrans complies with all applicable laws and regulations.

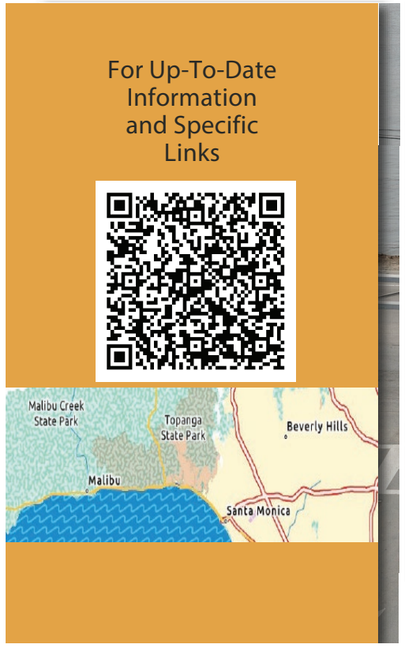
Q: How long will it take to process my Encroachment Permit application?
Section 671.5 (a) of the California Streets and Highways Code requires that the Department either approves or denies an Encroachment Permit Application submittal within 60 calendar days, upon determination that the submittal is complete. This section grants the Department the authority in what constitutes a completed Encroachment Permit Application submittal. It also stipulates that an Encroachment Permit Application submittal is complete when all statutory requirements including but not limited to Storm Water, Americans with Disabilities Act (ADA), California Environmental Quality Act (CEQA) have been complied with. The term statutory requirement includes both federal and California statutes.

The actual time needed to review and approve your application will depend on the completeness of your submittal, scope, and complexity of the proposed work.

AS-BUILT MAPS

Q: If I need an "as-built" map of my property, how can I obtain one?
A: Caltrans has developed a specific webpage to provide this information.

Visit https//dot.ca.gov/caltrans-near-me/district-7/district-7-projects/d7-palisades-fire-recovery-as-builts
Then, click on the link entitled Palisades Fire As-Builts. Use the online map to determine your exact location, and then use the "List As-Builts" button on the far left of the screen to find the specific PDF of your property.





STORM DRAINS AND WATER TREATMENT

Q: I need a storm drain repaired. Who should I contact?
A: It depends on the drain's owner:

Caltrans Right of Way: rightofway@dot.ca.gov
Caltrans Land Surveys: landsurveys@dot.ca.gov
LA County: https://dpw.lacounty.gov
Malibu City: mpublicworks@malibucity.org
Note: A permit is required regardless of ownership.

Q: If an Onsite Water Treatment System or other feature encroach into Caltrans right-of-way, can they continue to do so?
A: No. They must be moved in order not to encroach within Caltrans right-of-way.

CALTRANS RESOURCE LINKS FOR HOMEOWNERS

ENCROACHMENT PERMITS
Webpage: https://dot.ca.gov/programs/traffic-operations/ep
Email: d7.permits@dot.ca.gov

Guide to Rebuilding
Residential Properties

Ready to rebuild?

Request to Reconnect Your Natural Gas Service for Customers Impacted by January 2025 Southern California Wildfires

SoCalGas stands with our customers and supports efforts by federal, state, and local governments to build back communities so residents who lost their homes, their schools, their places of worship, and their businesses can rebuild their lives. Customers who are rebuilding can choose to have their home reconnected to the natural gas system.

To get started, follow the steps below:

Plan

Customers or licensed contractors should request restoration of natural gas service before construction begins, during the planning stages of the project. To begin the process, please fill out the online form at **socalgas.com/Rebuild**, under "Ready to Rebuild?" After submitting the form online, an email confirmation will be sent to the email address provided on the form. A SoCalGas Planning Representative will contact you within five business days.

For homes being rebuilt, the Residential Energy Efficient Fire Rebuild Program provides financial incentives for single-family and multifamily homes prior to the start of construction. For more information, visit **socalgas.com/Rebuild**.

Build

SoCalGas representatives will perform several site visits throughout the process and will advise customers as to where their natural gas meters must be placed.

Restore

Once a property is ready for restoration, a SoCalGas Planning Representative will discuss specific project needs and schedule your service for reconnection. Only SoCalGas personnel or agents authorized by SoCalGas may reconnect your natural gas service.

Save

Apply for SoCalGas increased and exclusive rebates. To learn more, visit **socalgas.com/Rebates**.

Additional support

Customer Assistance Programs* could help you save money and make your home more energy efficient. Learn more at: **socalgas.com/Assistance.**

GoGreen Financing** is now available to homeowners and small business owners impacted by the January 2025 Southern California wildfires. Eligible participants may qualify for financing on a variety of energy-efficient equipment such as windows, insulation, Heating, Ventilation, and Air Conditioning (HVAC), appliances, cool roofs, and more. Please note financing is not available for home construction. For more information, visit **gogreenfinancing.com**.

Ready to dig? Stay safe! Dial 8-1-1

Before starting any digging or excavation work, follow California law requirements by calling 811 Underground Service Alert (USA) to have utility lines safely marked. 811 is a free service available to everyone.

Whether you are planning to build a major development or landscaping your yard, be sure to submit a location request online or call 811 at least two business days before digging, not including the date of notification. Representatives will coordinate with us and other utility owners in the area to mark the locations of buried utility-owned lines. For more information, visit **socalgas.com/811**.

Learn more at: **socalgas.com/Rebuild**

Did you know?

Home Energy Efficiency Rebate Program* and Multifamily Energy Efficiency Rebate Program*

SoCalGas customers impacted by the January 2025 Southern California wildfires may be eligible for increased rebates of up to 50 percent on the purchase of new energy-efficient natural gas appliances. Customers may also qualify for exclusive rebates on ENERGY STAR® certified smart thermostats, attic insulation, and wall insulation.

Exclusive rebates for smart thermostats, attic insulation, and wall insulation do not qualify for the increased rebate offer. Rebates cannot be stacked or combined with any other incentives offered through the program. Rebate amounts are subject to change and may be modified without prior notice.

How to qualify for increased rebates:

1. Customers must agree to the Terms and Conditions on their rebate application.
2. Qualifying natural gas appliances must be installed in an eligible zip code, as defined below.
3. Equipment must be purchased and installed between **January 7, 2025, and December 31, 2026.**
4. Customers must confirm that their home was impacted by a January 2025 wildfire in Southern California and is located in an eligible ZIP code. Learn more on eligibility at **socalgas.com/Rebuild**.

Residential Energy Efficient Fire Rebuild Program*

The Program provides financial incentives for single-family and multifamily homes that are built to exceed the State of California Title 24 Energy Efficiency Standards and are equipped with qualifying natural gas equipment. **This program is only eligible to customers who have not yet started the construction process.**

Property owners in zip codes affected by the January 2025 Southern California wildfires who are eligible for increased incentives and interested in participating in the program should take the following steps:

1. Visit **socalgas.com/Rebuild** to download a copy of the application.
2. Consult with your builder or energy analyst to review the program requirements.
3. Work with your builder who will contact a SoCalGas Account Representative to begin the application process. For more information, email **scgprocessing@socalgas.com** or call 1-866-563-2637.

Contact Us

For Natural Gas Emergencies

If you suspect a natural gas leak, evacuate the area immediately and call SoCalGas from a safe location, 1-800-427-2200. Or, call **911** promptly from a safe location if there is damage resulting in a natural gas leak that may endanger life, cause bodily harm, cause property damage, and/or if you are unable to contact SoCalGas for any reason.

For Customer Service

General Inquiries: 1-800-427-2200
Hearing Impaired, TDD/TTY: 1-800-252-0259

Monday – Friday 7 a.m. – 8 p.m.
Saturday: 7 a.m. – 6 p.m.
(Closed Sundays & holidays)
Note: Our customer service line is open 24 hours a day, 7 days a week for natural gas emergencies or safety issues.

* These programs are funded by California utility customers and administered by Southern California Gas Company (SoCalGas®) under the auspices of the California Public Utilities Commission. Program funds, including any funds utilized for rebates or incentives, will be allocated on a first-come, first-served basis until such funds are no longer available. These programs may be modified or terminated without prior notice. The selection, purchase and ownership of goods and/or services are the sole responsibility of the customer. Customers who choose to participate in any program are not obligated to purchase any additional goods or services offered by a manufacturer, vendor, service provider, or any other third party participating in such program. SoCalGas makes no warranty, whether expressed or implied, including warranty of merchantability or fitness for any particular purpose, use or application of selected goods and/or services selected by a customer. SoCalGas does not endorse, qualify, or guarantee the work of any third party. Eligibility requirements apply; see each program's conditions for details.

** This program is funded by California utility customers and administered by California Alternative Energy & Advanced Transportation Financing Authority under the auspices of the California Public Utilities Commission. Eligibility requirements apply; see each program's conditions for details.

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Fee Waiver Program
Broad, Franklin, and Palisades Fire

Introduction

The City Council hereby directs the City Manager to waive Planning and building permit fees for projects rebuilding like-for-like or like-for like plus 10% structures damaged or destroyed by the Broad, Franklin, and/or Palisades Fires where the property owner demonstrates to the satisfaction of the City Manager that the property was used as the primary residence by the property owner subject to the following requirements and limitations (Adopted by the City Council on July 14, 2025, Resolution No. 25-29)

Contact

For more information or to begin the pre-screening process, visit the Malibu Rebuild Center at 23805 Stuart Ranch Road, Suite 240, Malibu, or contact MalibuRecovers@malibucity.org, or call (310) 456-2489, extension 400.

Eligibility

1. The waived fees will only be applicable to owners and/or heirs of properties being rebuilt as like-for-like or like-for-like plus 10% which were used as a primary residence by such owners and/or heirs in the Broad Fire area as of November 6, 2024; the Franklin Fire area as of December 9, 2024; and/or the Palisades Fire area as of January 7, 2025.
2. Fire Damage fee waivers shall apply to multi-parcel structures for eligibility purposes and are not limited solely to the residential parcel.
3. Single-family or duplex structures are eligible for fire damage fee waivers. No commercial rebuilds are eligible for this fee waiver program.
4. Fee waivers are applicable to City-issued permits for planning approvals, building permits, and temporary housing. Only City fees are eligible to be waived.

5. Fee waivers are limited to damaged or destroyed structures (only like-for-like or like-for-like plus 10%), replacement or upgrade of onsite wastewater treatment systems, seawalls or other permitted infrastructure as required by the City, temporary water tanks or other suppression mechanism, damaged or destroyed accessory structures, hardscaping, and landscaping.
6. City Manager is defined for purposes of this Resolution as the City Manager or his or her designee.

Application Requirements

1. The owner-occupied applicant must be the legal property owner or owner of a controlling interest in an entity (such as an LLC or similar entity) that holds title to the affected property as of the date of the applicable wildfire.
2. Upon request, the applicant must provide documentation establishing ownership, or controlling interest in the entity that owns the property, in the form of a Grant Deed, Operating Agreement, Trust Deed, or other documentation in a form acceptable to the City Manager.
3. The applicant shall, under penalty of perjury, certify that they are the owner of the subject property and occupied the property as their primary residence at the time of the applicable wildfire.
4. Property owners requesting a waiver of fees must demonstrate primary residency at the property destroyed by the Broad, Franklin, or Palisades Fires through documentation such as active voter registration, a valid driver's license, or other government-issued identification showing the property address, as deemed acceptable by the City Manager. Applicants must also provide proof of identification (if not provided as set forth above) and submit an affidavit on a form provided by the City.
5. The applicant shall execute and record a notarized an affidavit with the Los Angeles County Recorder's Office, under penalty of perjury, affirming controlling ownership of the subject property, that they occupied the subject property at the time of the wildfire as their primary residence, and acknowledging provisions set forth in the adopted Resolution.
6. If a property owner is determined to be ineligible for the fire damage fee waiver at any point and repays all previously waived fees, the City shall issue written confirmation of repayment as determined by the City it its sole discretion. If an affidavit was recorded, it

shall be the sole responsibility of the property owner to prepare a release, notice of satisfaction, or other similar instrument in a form acceptable to the City. The City shall review the owner's prepared document and, if all requirements are met as determined by the City, the City will execute the document. The property owner shall bear sole responsibility for all recording costs and for ensuring that the executed document is properly recorded with the Los Angeles County Recorder's Office. The property owner shall provide a copy of the filed release document to the City upon acceptance by the Recorder's Office.

Requirements for Properties Owned by a Limited Liability Company or Corporation

1. Affidavit Requirement
   Both the managing member and member of the LLC applying for the fee waiver must execute and record a notarized affidavit under penalty of perjury affirming:
   a. Ownership of controlling interest in property at the time of the applicable fire.
   b. That the applicant/member occupied the property as their primary residence at the time of the wildfire.
   c. No shares or membership interests in the LLC will be sold, transferred, or reassigned during the course of the rebuild of the residence.
   d. If such a transfer occurs before completion and final inspection of the rebuilt residence, the LLC will be obligated to reimburse the City of Malibu for all previously waived fees.
   e. Proof of identification and proof of primary residence as described in Application Requirements shall be an exhibit to the affidavit.

2. Recordation
   a. The affidavit shall be recorded as a covenant against the property with the Los Angeles County Recorder's Office prior to applying for the fee waiver program.
   b. The covenant will run with the land and be binding on all successors in interest.

3. Second Affidavit Requirement
   The managing member and member of the LLC or corporation applying for the fee waiver must execute and record a notarized affidavit under penalty of perjury affirming at the time a Certificate of Occupancy is requested:

a. No shares or membership interest in the LLC have been sold, transferred or reassigned since the date of the applicable fire.

Owner-Occupied Duplexes

1. The duplex must have been owner-occupied by both parties at the time of the wildfire.
2. Each owner must attest, under penalty of perjury, that they each owned and occupied their respective unit as their primary residence at the time of the fire.
3. Both owners must jointly record an affidavit against the property with the Los Angeles County Recorder's Office affirming these conditions and acknowledging provisions set forth in the adopted Resolution including that any fees that have been waived will have to be refunded before a Certificate of Occupancy will be issued if either of the owners sell their interest in the property.
4. The fee waiver may only be granted if both parties meet these requirements in full.

Reimbursement Enforcement

1. If the property is sold prior to the issuance of a Certificate of Occupancy, waived fees are to be reimbursed by new owners if the property is sold within 90 days of the sale.
2. If the property is sold and waived fees have not been reimbursed to the City, the development process will be halted until waived fees have been reimbursed to the City.
3. A Certificate of Occupancy will not be issued until all waived fees required to be reimbursed have been paid to the City.
4. Additional fee waivers are not permitted for a property sold after the Certificate of Occupancy was issued.
5. The City reserves the right to place a lien on the property for recovery of waived fees if the conditions of the affidavit are violated or the terms and attestations in the affidavit are found to be false.

Restrictions

1. There are no income limits or restrictions as part of this fee waiver program.
2. All fees associated with post-approval revisions to the project's Planning approval or building permit issuance will be charged in accordance with the City's Adopted Fee Schedule and such costs are not eligible for fee waivers.

Program Details

1. The fee waiver is applied at the time applications are submitted.
2. Fees paid by the applicant prior to applying and qualifying for this fee waiver program are eligible for reimbursement, as determined by the City Manager.

Deadlines

1. Applications for the Fire Damage fee waiver program are due on or before 4 PM on June 30, 2028. The applications must be fully and accurately completed by the applicant and submitted in-person or by email.
2. Required planning applications for the project are deemed complete by June 30, 2028.
3. All required building permits are obtained by December 30, 2030 (fees will have to be paid for any building permit pulled after December 30, 2030 before it will be issued).

MALIBU REBUILD CENTER
23805 Stuart Ranch Road, Suite 240

MalibuRebuilds.org
MalibuRecovers@MalibuCity.org
(310) 456-2489 ext. 400

How to Apply

Step 1: Pre-qualify
To pre-qualify for the Fee Waiver Program, please email the following information / documents to MalibuRecovers@malibucity.org or visit the Malibu Rebuild Center:

- Name (as it appears on Grant Deed, Operating Agreement, or Trust documents)
- Address of Destroyed/Damaged Property
- ID: Copy of Government-Issued ID
- Proof of Primary Residence: Government-issued ID with subject address or voter registration

Step 2: Notification
Based on the information provided, City staff will notify you if you qualify for the program. If you qualify, City staff will prepare the Fee Waiver Program affidavit on behalf of the property owner(s).

Step 3: Notarize Affidavit
Once the affidavit has been prepared by City staff, staff will notify the property owner(s) to pick up the affidavit to be notarized by a third-party notary. This is not a service provided by City Staff. Once the affidavit is notarized, the property owner(s) should return the affidavit to City staff so it may be recorded.

Step 4: Recordation
As a courtesy to property owner(s), the City of Malibu City Clerk's Office will submit the affidavits for recording to assist property owners. Service/recording fees may be requested at this time. Once the affidavit is recorded, City staff will provide a copy to the property owners for their records.

Refunds

Once you qualify for the Fee Waiver Program and the required documents are recorded, City staff will begin to prepare your refund request. A refund check will be issued by mail within four weeks of qualifying for the program. If you have questions regarding the status of your refund request after four weeks, you may email **MalibuRecovers@malibucity.org**.