City Council Meeting
09-14-26
Item 1.B.8.

Council Agenda Report

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

Prepared by: Christina Muñoz, Deputy City Clerk

Reviewed by: Kellan Martz, Assistant City Attorney

Approved by: Joseph D. Irvin, City Manager

Date prepared: September 11, 2026 Meeting date: September 14, 2026

Subject: Resolution Ratifying the Director of Emergency Services' Proclamation of Existence of a Local Emergency and Declaring the Same – Sea Level Drive Sinkhole

---

RECOMMENDED ACTION: Adopt Resolution No. 26-62 confirming existence of a local emergency, and ratifying the proclamation of local emergency by the Director of Emergency Services as a result of a sinkhole and associated hazardous conditions along Sea Level Drive in the City of Malibu.

FISCAL IMPACT: There is no fiscal impact with the recommended action. The existence of the local emergency may help qualify the City for the possibility of reimbursement for disaster response expenditures should a Federal or State disaster be declared.

STRATEGIC PLAN IMPLEMENTATION: This item supports the City's 2025-2028 Strategic Plan Goal 3: Advance Infrastructure Resilience.

Goal 3: Advance Infrastructure Resilience
Objective 3.1: Develop and fund a comprehensive Infrastructure Resilience Plan.
Strategy: Coastal Resiliency Infrastructure

DISCUSSION: The City has adopted an emergency plan that includes an emergency services organization that is activated in the case of natural disasters. This organization allows the City to quickly respond and coordinate the functions of the City with other public agencies/organizations and those affected by the disaster. Title 2, Chapter 2.52 of the Malibu Municipal Code empowers the Director of Emergency Services to proclaim the existence of a local emergency when the City is affected by a public calamity and the City

Council is not in session. The Director's proclamation must be ratified by the City Council within seven days or it will expire.

Per Malibu Municipal Code section 2.52.020 an emergency is defined as: "the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, landslide, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or the imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this city, requiring the combined forces of other political subdivisions to combat."

On September 8, 2026, a sinkhole emerged near 31630 Sea Level Drive. Based on available information, conditions associated with the sinkhole are believed to have begun developing on September 7, 2026. The sinkhole is approximately twenty-five to thirty feet deep and thirty by sixty feet wide. Conditions continue to be evaluated, and the full extent of the impacts is not yet known.

The sinkhole poses an imminent danger to homes and residents along Sea Level Drive. At the time of the proclamation, seven residences had been red-tagged due to hazardous conditions resulting from the sinkhole, and an additional 24 residences were identified for red-tagging due to the loss of safe vehicular access. Gas service to the affected area has been shut off, and water service may also be discontinued as conditions warrant. These circumstances have significantly impaired access to affected properties and created conditions requiring immediate emergency response and protective measures.

Emergency personnel access is severely constrained and may be impassable due to the large portion of the roadway that has collapsed. The remaining intact portion of the roadway is too narrow to accommodate emergency response vehicles, including fire engines and other large apparatus. This creates a substantial risk to public safety and emergency response capabilities.

Conditions are likely to worsen with forecasted high tides and rains. Hurricane Marie has caused increased rainfall and high surf, and a Coastal Flood Advisory was issued through 11:00 p.m. on September 8, 2026. An El Niño rainy season is forecasted for fall and winter 2026. According to the NOAA Climate Prediction Center, the El Niño weather pattern is strengthening, with a greater than 90 percent chance of a very strong, or "Super," event. A strengthening "Super" El Niño brings a high risk of record sea levels, severe coastal flooding, and dramatic beach narrowing to the California coast this winter.

Due to the immediate and ongoing threat to persons and property, and the significant impact to access and emergency response capabilities, the Director of Emergency Services determined that conditions of extreme peril existed and proclaimed that a local emergency existed throughout the City of Malibu on September 8, 2026.

The City Council was not in session and could not immediately be called into session at the time of the proclamation. Pursuant to Malibu Municipal Code Chapter 2.52, the Director of Emergency Services is authorized to proclaim the existence of a local emergency under these circumstances. The proclamation remains in effect until September 15, 2026, unless the declaration is ratified by the City Council within seven days of the proclamation.

Before the City Council today is a resolution ratifying the Director of Emergency Services' proclamation and confirming the existence of a local emergency. If adopted, the City Council will review, and as needed renew, this action at least every 60 days. The declaration will enable City staff to take actions necessary to respond to the conditions created by the sinkhole and associated impacts to Sea Level Drive, surrounding properties, and emergency access.

ATTACHMENTS:

1. Resolution No. 26-62
2. Proclamation of Existence of a Local Emergency

RESOLUTION NO. 26-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU CONFIRMING EXISTENCE OF A LOCAL EMERGENCY, AND RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES

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

SECTION 1. Recitals.

A. Title 2, Chapter 2.52 of the Malibu Municipal Code designates the City Manager as the Director of Emergency Services and empowers him to proclaim the existence or threatened existence of a local emergency if the City Council is not in session, subject to ratification by the City Council within seven days, when the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City exist which are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat. The City's Emergency Operations Plan identifies the City Manager to act as the Director of Emergency Services if the City Manager is unavailable.

B. On September 8, 2026, a sinkhole emerged near 31630 Sea Level Drive. Based on currently available information, conditions associated with the sinkhole are believed to have begun developing on September 7, 2026. The sinkhole is approximately twenty-five to thirty feet deep and thirty by sixty feet wide. Conditions are continuing to be evaluated, and the full extent of the impacts is not yet known.

C. The sinkhole poses imminent danger to the homes and residents along Sea Level Drive. At the time of the proclamation, seven residences had been red-tagged due to hazardous conditions resulting from the sinkhole, and an additional 24 residences were to be red-tagged due to the loss of safe vehicular access. Gas and water service to the affected area had been shut off, and electrical service has also been shut off for approximately 13 properties. These circumstances have significantly impaired access to affected properties and created conditions requiring immediate emergency response and protective measures.

D. Emergency personnel access is severely constrained and vehicle access is cut off due to the large portion of the road that has collapsed. The intact portion of the roadway is too narrow to accommodate emergency response vehicles, including fire engines and other large apparatus, creating a substantial risk to public safety and emergency response capabilities.

E. Conditions are likely to worsen with forecasted high tides and rains. Hurricane Marie has caused increased rainfall and high surf. A Coastal Flood Advisory was issued until 11:00 p.m. on September 8, 2026, and dangerous conditions still persist. An El Niño rainy season is forecasted for fall and winter 2026. According to the NOAA Climate Prediction Center, the El Niño weather pattern is strengthening, with a greater than 90% chance of a very strong (Super) event. A strengthening "super" El Niño brings a high risk of record sea levels, severe coastal flooding, and dramatic beach narrowing to the California coast this winter.

F. On September 8, 2026, pursuant to his authority under Malibu Municipal Code Section 2.52.060, the Director of Emergency Services issued an Order establishing a mandatory and immediate evacuation for the western portion of Sea Level Drive beginning at 31615 Sea Level Drive through the end of the street, including residences on the north and south sides of the street. The Order applies to all persons, except emergency personnel engaged in official duties, including residents, guests, and visitors. The Los Angeles County Sheriff's Department, in its capacity as the City's local law enforcement agency, was directed to effectuate the Order.

G. The Director of Emergency Services of the City proclaimed the existence of a local emergency on September 8, 2026, which proclamation will expire on September 15, 2026 unless ratified by the City Council.

H. The Director of Emergency Services now requests the City Council ratify the Director's proclamation of the existence of a local emergency in accordance with Malibu Municipal Code Section 2.52.060

SECTION 2. It is hereby proclaimed that a local emergency now exists throughout the City and that the proclamation of the Director of Emergency Services is ratified. It is further proclaimed and ordered that during the existence of this local emergency the powers, functions, and duties of the Director of Emergency Services and the emergency organization of this City shall be those prescribed by State law and by the ordinances and resolutions of this City.

SECTION 3. The local emergency shall be deemed to continue and exist until its termination is proclaimed by the City Council. As required by law, the City Council shall review the need to continue the state of emergency every 60 days until this resolution is terminated.

SECTION 4. This Resolution shall become effective immediately upon its passage and adoption.

SECTION 5. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 14th day of September 2026.

_____
BRUCE SILVERSTEIN, Mayor

ATTEST:

_____
KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

_____
TREVOR RUSIN, Interim City Attorney
(seal)

Docusign Envelope ID: B7BECEEE-2301-8D6D-80AE-5E5195B591E1

City of Malibu

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

PROCLAMATION OF EXISTENCE OF LOCAL EMERGENCY
(By the Director of Emergency Services)

AN EXECUTIVE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF MALIBU DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

The Director of Emergency Services for the City of Malibu does hereby find, order and declare as follows:

WHEREAS, the California Emergency Services Act, Government Code section 8550, et seq., authorizes the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, Title 2, Chapter 2.52 of the City of Malibu's Municipal Code (MMC) empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said city is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS MMC section 2.52.020 defines an "emergency" as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City caused by such conditions as air pollution, fire, flood, storm, landslide, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or the imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this city, requiring the combined forces of other political subdivisions to combat; and

WHEREAS, the following circumstances exist:

Conditions of extreme peril to the safety of persons and property have arisen as the result of a sinkhole on Sea Level Drive. These conditions, both actual and threatened, result from the circumstances described in MMC section 2.52.020 and explained more fully in this proclamation.

On September 8, 2026, a sinkhole emerged near 31630 Sea Level Drive. Based on currently available information, conditions associated with the sinkhole are believed to have begun developing on September 7, 2026. The sinkhole is approximately twenty-five to thirty feet deep and thirty by sixty feet wide. Conditions are continuing to be evaluated, and the full extent of the impacts is not yet known.

Attachment 2

Docusign Envelope ID: B7BECEEE-2301-8D6D-80AE-5E5195B591E1

The sinkhole poses imminent danger to the homes and residents along Sea Level Drive. As of the time of this proclamation, seven residences have been red-tagged due to hazardous conditions resulting from the sinkhole, and an additional 24 residences will be red-tagged due to the loss of safe vehicular access. Gas service to the affected area has been shut off, and water service may also be discontinued as conditions warrant. These circumstances have significantly impaired access to affected properties and created conditions requiring immediate emergency response and protective measures.

Conditions are likely to worsen with forecasted high tides and rains. Hurricane Marie has caused increased rainfall and high surf. A Coastal Flood Advisory has been issued until 11:00 p.m. on September 8, 2026. An El Niño rainy season is forecasted for fall and winter 2026. According to the NOAA Climate Prediction Center, the El Niño weather pattern is strengthening, with a greater than 90% chance of a very strong (Super) event. A strengthening "super" El Niño brings a high risk of record sea levels, severe coastal flooding, and dramatic beach narrowing to the California coast this winter.

Emergency personnel access is severely constrained and may be impassable, due to the large portion of the road that has collapsed. The intact portion of the roadway is too narrow to accommodate emergency response vehicles, including fire engines and other large apparatus, creating a substantial risk to public safety and emergency response capabilities.

The City Council of the City of Malibu is not in session (and cannot immediately be called into session);

NOW, THEREFORE, THE ACTING DIRECTOR OF EMERGENCY SERVICES HEREBY does hereby find that a local emergency exists as discussed above and proclaims that a local state of emergency now exists throughout the City; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by city and state law, by ordinances, and resolutions of this city, and by the City of Malibu Emergency Operations Plan, as approved by the City Council on October 14, 2024.

ADOPTED this 8th day of September 2026.

Signed by:
Joseph Irvin
F849C5C36AED48F...

By: _____
Joseph D. Irvin, City Manager
Director of Emergency Services

ATTEST:

Signed by:
Kelsey Pettijohn
BB0853E696394F4...

_____
Kelsey Pettijohn, City Clerk
(seal)

Docusign Envelope ID: B7BECEEE-2301-8D6D-80AE-5E5195B591E1

This proclamation has been issued in accordance with applicable law, is in effect and carries the force of law until September 15, 2026 on which date it expires unless the declaration of local emergency is ratified by the City Council within 7 days of this date.

REVIEWED AND APPROVED AS TO FORM:

Signed by:
Trevor L. Rusin
87DT70AC92A2423...

Trevor Rusin, Assistant City Attorney