



# City of Malibu

## Planning Department

December 17, 2014

### **LCP Policy 3: Remodels and Additions**

The Local Coastal Program (LCP) considers a replacement structure when it involves the replacement of 50 percent or more of an existing structure, as measured by 50 percent of the existing structure's linear feet of exterior walls.<sup>1</sup> However, the LCP does not expand upon this definition or provide a detailed methodology as to what level of development may or may not factor into the 50 percent wall threshold.

The remodel definition also states that a building may be upgraded "without altering the existing foundation, footprint or building envelope." However, LCP Local Implementation Plan (LIP) Section 13.5(C) permits the repair and maintenance of a non-conforming structure provided it is not enlarged or expanded, and LIP Section 13.5(D) permits additions and improvements provided they comply with current LCP policies and standards.

#### **Purpose**

To provide expanded definitions and a detailed methodology as to what level of development may (or may not) factor into the 50 percent wall threshold and result in a project being considered a "replacement structure." With the implementation of the policy, it would improve efficiency of processing projects through the City's Planning review process, promote project transparency, and would reduce staff time and cost.

#### **Procedure**

- A. A structure shall be considered a *replacement structure*, and forfeit any legal non-conforming status, if more than 50 percent of the linear footage of exterior walls are removed and/or replaced. Such structures shall be brought into conformance with the current policies and standards of the LCP pursuant to LIP Section 13.5(C) and be processed as a coastal development permit. Additions may be made to legal non-conforming structures provided that the addition to the structure complies with applicable development standards.
1. In general, an exterior wall segment per story shall be considered removed if any of the framing members are removed/replaced at any point from the top of the foundation to the top plates of the wall. The following examples constitute removal of exterior walls and shall count against the 50 percent threshold:
    - a. Removing, replacing, "sistering in," or adding new frame materials (such as, but not limited to, studs, king studs, headers, window sills, green sill, top plates, upper cripples, except as described in subsection C.2.a – see *diagram for reference*);

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<sup>1</sup> LCP Local Implementation Plan (LIP) Section 2.1 defines a "remodel" as "the upgrade of the interior or exterior faces of a building or structure without altering the existing foundation, footprint or building envelope. Remodeling may include the replacement of exterior walls within the limitations described herein [such as the 50 percent threshold] and according to the requirements of the Building Code provided that such remodeling can meet the standards for zone clearance or plot plan review."

- b. Adding a new or enlarging an existing door frame (passage, sliding or garage) or window, except as described in Section C.2.c below;
- c. Increasing / decreasing the height of an exterior wall or altering the roofline unless it can be demonstrated that no structural alterations to the existing walls are proposed or required nor the removal of any of its frame materials. Note that in cases where the height increase or roofline alteration adds to the volume of a non-conformity (such as, but not limited to, primary view and ocean view impacts, setback, height, or total development square footage) the project would also require a discretionary request;
- d. Other types of construction deemed to constitute a replacement by Planning Department staff in consultation with the City Building Official; and
- e. The use of a moment frame<sup>2</sup>.

2. Notwithstanding the provisions described above, the following alterations will not count against the 50 percent threshold of legal non-conforming buildings:

- a. Exterior and interior finish materials (such as, but not limited to, siding, plaster, sheathing, drywall, insulation, casework) and electrical, mechanical and plumbing systems may be removed and/or replaced.
- b. Retrofitting an exterior wall for seismic movement as required by the California Building Code. These improvements may include wall shearing, replacing a green sill plate and/or replacing or modifying end studs. These improvements are considered necessary for safety purposes and do not generally extend the life of a building. Prior to retrofitting a building in accordance with this subsection, the Planning Director must be satisfied that these improvements are necessary. The applicant must submit pictures and/or structural plans to the Planning Department for review by the Building Official indicating which frame materials need to be modified for this purpose.
- c. Filling in a wall segment that was previously a door (passage, sliding or garage) or a window.
- d. A window can be vertically enlarged as long as the header and header supporting studs are not modified. In addition, the "like for like" replacement of doors and windows shall not be counted against the 50 percent threshold, so long as the replacement does not alter the location of existing framing members around the doors and windows.

B. A structure shall be considered a *replacement structure*, and forfeit any legal non-conforming status, if any modification to the structure requires or proposes the alteration of the existing foundation. However, the following activities shall not be considered alterations to an existing foundation:

- 1. Repair and maintenance of an existing foundation; or
- 2. Physically tying the foundation of an addition to an existing foundation solely to provide lateral load support, particularly for second floor additions. In such cases, it must be demonstrated to the satisfaction of the Planning Director that the foundation for the addition will not upgrade the existing foundation.

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<sup>2</sup> A moment frame is a box-shaped frame with special moment connections or joints. Moment frames are often used in remodels to avoid replacing existing walls or to allow for large window openings, glass panels, etc. A moment frame is a common method for keeping existing walls but actually removing their structural function/reliability.

### C. Methodology for Determining Linear Feet:

1. Measure the linear feet around the perimeter of exterior walls only on a per structure basis. Interior walls are not included. If the structure is multi-story, calculate the perimeter of each story separately and then combine the measurements for a total of the structure's linear footage of exterior walls. Use the same methodology to measure the total linear footage of exterior walls to be removed/replaced. To determine if the project meets the 50 percent threshold of walls retained, calculate the total linear footage to be removed and divide by the total linear footage of the existing structure. A primary structure and any detached accessory structures are counted independently of each other, even if the project proposes to merge them into one structure.
2. Exterior walls that become interior walls shall be counted against the 50 percent threshold, unless the interior wall remains loadbearing or as otherwise determined by the Planning Director for an unusual circumstance.
3. When one or more studs are removed, replaced or sistered in, the removed portion of the wall shall include half the distance to the next stud on both sides of the affected stud(s).

### D. Required Submittal Items and Fees:

1. Complete the Substantial Remodel Agreement
2. Demolition Plan

Clearly show and label the existing (E) and proposed new (N) exterior walls, doors and windows. Highlight those sections to be removed and/or replaced, both in plan view and itemized in a table noting the existing and proposed linear feet of each exterior wall, door and window. Account for the removal/replacement of anticipated framing members necessary for the project due to age and/or weathering as "discovering" of such items during construction would require recalculation of the 50 percent threshold.

3. Elevation Plans

Elevation Plans must clearly depict with shading the additions, sections of exterior walls to be removed, existing doors and windows to be filled in, new exterior walls and increase in height and roofline alterations.

4. Preliminary Foundation Plans

Account for anticipated structural elements necessary for the project including, but not limited to, shear walls, foundation pads and supports, depths of understructure excavation and underpinning.

5. Structural Plans or Letter from Structural Engineer

On an as-needed basis, structural plans or a letter from a structural engineer may be required to demonstrate whether improvements to a building will require full or partial demolition of exterior walls, particularly in the case of non-conforming buildings.

Diagram – Example Wall Segment with Reference Labels

