CITY OF MALIBU

Building Board of Appeals

Applicant Process Guide

Community Development Department • 23825 Stuart Ranch Road, Malibu, CA 90265 • (310) 456-2489

LEGAL AUTHORITY

The City of Malibu Building Board of Appeals is established pursuant to Malibu Municipal Code Section 15.04.050, which amends Section 105.1.1 of Title 26 of the Los Angeles County Building Code as adopted by the City. Section 105.1.2 of Title 26 is retained without local amendment and governs the Board's scope of authority.

Adopted Code:	Los Angeles County Building Code, Title 26 (as locally amended by Malibu Municipal Code §15.04.050)
Board Composition:	Five (5) members appointed by the City Council. Members shall be qualified by experience and training to pass upon matters pertaining to building construction. (MMC §15.04.050.A; Title 26 §105.1.1)
Building Official Role:	The Building Official shall be an ex officio member and shall act as secretary to the Board. (Title 26 §105.1.1)
Meetings:	The Board has no regular meeting schedule. It convenes only upon the filing of a formal written appeal of a Building Official decision.

SCOPE OF AUTHORITY — WHAT THE BOARD MAY HEAR

Per Section 105.1.2 of Title 26 of the Los Angeles County Building Code, as retained by the City of Malibu, the following is the Board's authority, stated as provided by the Code:

> **§105.1.2 — Scope of Authority (Title 26, as retained by City of Malibu):** *"The Building Board of Appeals shall have the authority to hear appeals regarding any action of the Building Official, including actions taken by the Building Official in connection with Section 104.2.7 or Section 104.2.8. The Building Board of Appeals shall also be authorized to recommend to the [City Council] such new legislation as it deems appropriate. The Building Board of Appeals shall have no authority relative to interpretation of the administrative portions of this Code, other than Section 102, nor shall the Board be empowered to waive requirements of this Code. The Building Board of Appeals shall document all decisions and findings in writing to the Building Official with a duplicate copy to the applicant."*

The following table identifies each category of Building Official action that may be appealed to the Board, with the specific code basis for each:

Category of Appeal	Code Basis	Limitation
Any action of the Building Official	**Title 26 §105.1.2**	*Appeal must concern a specific written decision of the Building Official.*
Approval or denial of alternate materials or alternate methods of construction	**Title 26 §104.2.7**	*The Board must find the alternate is equivalent in quality, strength, effectiveness, fire resistance, durability, safety, and sanitation, and does not lessen fire protection or structural integrity.*
Approval or rejection of research reports submitted in support of alternate materials or methods	**Title 26 §104.2.8**	*Same equivalency standard as §104.2.7 applies.*
Unsafe building determinations	**Title 26 §102**	*The only administrative section of the Code the Board is authorized to interpret. (§105.1.2)*

EXPRESS LIMITATIONS — WHAT THE BOARD MAY NOT DO

Section 105.1.2 of Title 26 of the Los Angeles County Building Code, as retained by the City of Malibu, expressly provides the following limitations on Board authority. These limitations are set by the adopted code and are not subject to modification by the Board, the City Council, or any individual Council member:

Per Title 26 §105.1.2 — The Board SHALL NOT:

1. Interpret the administrative portions of the Building Code, other than Section 102.

2. Waive any requirement of the Building Code.

   The Board has no authority to grant waivers, exceptions, or exemptions from any provision of the adopted Building Code, regardless of circumstances presented.

3. Review, direct, or modify the Building Official's day-to-day enforcement practices, policies, or procedures.

   The Board's jurisdiction is limited to appellate review of a specific, formally filed appeal of a specific Building Official decision. It does not supervise or direct the Building Official.

4. Grant original permits or make initial permit determinations.

5. Override California state law or state building standards adopted under Title 24 of the California Code of Regulations.

> *Variances from code requirements must be sought through the City's Planning Commission. Formal code amendments must be adopted by the City Council through the ordinance process. Neither of these actions falls within the jurisdiction of the Building Board of Appeals.*

HOW TO FILE AN APPEAL

Step 1 — Obtain Written Decision:	You must have a written determination, decision, order, or notice from the City of Malibu Building Official. Verbal communications do not constitute a decision for appeal purposes.
Step 2 — Prepare Written Appeal:	Your written appeal must state the specific basis for the appeal, as provided by Title 26 §105.1.2 (see Scope of Authority above). Include all supporting documentation, engineering reports, or research reports you intend to rely upon at the hearing.
Step 3 — File With the City:	Submit your written appeal to the City of Malibu Community Development Department. Contact the Department to confirm current filing requirements and applicable fees prior to submission.
Step 4 — Hearing Scheduled:	Staff will coordinate with the Building Official (Board Secretary) to schedule a hearing. You will be notified in writing of the date, time, and location.
Step 5 — Attend Hearing:	Present your appeal and supporting evidence to the Board. The Building Official or designee will present the basis for the original decision. You may be represented by legal counsel or a licensed design professional.
Step 6 — Written Decision Issued:	Per Title 26 §105.1.1, the Board shall document all decisions and findings in writing to the Building Official, with a duplicate copy to the applicant.
Step 7 — Implementation:	The Building Official implements the Board's written decision.

EQUIVALENCY STANDARD — ALTERNATE MATERIALS AND METHODS (§104.2.8 / §105.1.1)

When an appeal involves alternate materials or alternate methods of construction, the Board must establish, per Title 26 §105.1.1 as adopted by Malibu Municipal Code §15.04.050, that the proposed alternate meets all of the following criteria simultaneously:

> *"The board shall establish that the approval for alternate materials and the modifications granted for individual cases are in conformity with the intent and purpose of this code and that such alternate material, modification or method of work offered is at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, safety and sanitation and does not lessen any fire-protection requirements or any degree of structural integrity."*— Malibu Municipal Code §15.04.050.A; Title 26 §105.1.1

All seven criteria — quality, strength, effectiveness, fire resistance, durability, safety, and structural integrity — must be satisfied. The Board may not approve an alternate that lessens fire-protection requirements or any degree of structural integrity, regardless of other factors.

FILING FEE — REQUIRED AT TIME OF SUBMISSION

A filing fee is required at the time of submission of any appeal to the Building Board of Appeals. The fee is established by the City of Malibu Schedule of Fees, as adopted by the City Council by resolution, and is subject to annual adjustment. The City of Malibu administers its own fee schedule independently.

Fee Description:	Building Board of Appeals
Fee Amount:	$548.00
Fee Authority:	City of Malibu Schedule of Fees, FY 2026-27, Environmental Sustainability Department — Miscellaneous, Line Item 16 (adopted by City Council resolution, effective Sept. 11, 2026)
Annual Adjustment:	The fee is subject to annual Consumer Price Index (CPI) adjustment. Contact the Community Development Department to confirm the current fee amount prior to submission.
Payment:	Fee is due at the time of filing. Contact the Community Development Department to confirm accepted forms of payment.

NOTE: The filing fee must be paid at the time of submission.

An appeal will not be accepted or scheduled for hearing until the required fee has been received. Contact staff at (310) 456-2489, ext. 390 to confirm the current fee amount before filing.

CONTACT

Department:	Community Development Department, Building Safety Division
Address:	23825 Stuart Ranch Road, Malibu, CA 90265
Phone:	(310) 456-2489, ext. 390
Website:	www.malibucity.org
Filing Hours:	Contact the Department to confirm current public counter hours prior to submission.

This guide is a summary reference document only. It does not constitute legal advice. All authority cited is drawn from Malibu Municipal Code §15.04.050 and the Los Angeles County Building Code, Title 26, Sections 102, 104.2.7, 104.2.8, 105.1.1, and 105.1.2, as adopted by the City of Malibu. Consult a licensed attorney for legal advice regarding your specific matter.