



City of Malibu

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PC No. _____ - _____

PLANNING CLEARANCE APPLICATION

General Information

PROPERTY ADDRESS: _____

BUSINESS NAME: _____

BUSINESS ADDRESS: _____ Unit #: _____

BUSINESS PHONE #: _____ BUSINESS EMAIL: _____

APPLICANT / CONTACT: First: _____ Last: _____

APPLICANT ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

APPLICANT PHONE #: _____ APPLICANT EMAIL: _____

PROPERTY OWNER: _____

Fees

Planning Clearance \$ _____

CASH

CREDIT CARD FEE (2.36%): \$ _____

CREDIT CARD-AUTH. CODE: _____

TOTAL FEES: \$ _____

CHECK #: _____

Business Information

1. BUSINESS TYPE: RETAIL SERVICE FOOD SERVICE OFFICE INDUSTRIAL

OTHER: _____

2. PREVIOUS USE OF THE TENANT SPACE: _____

NEW BUSINESS NAME CHANGE ONLY SAME BUSINESS/ OWNERSHIP CHANGE

OTHER: _____

3. BUSINESS DESCRIPTION: _____

4. ANTICIPATED OPENING DATE: _____ HOURS OF OPERATION: _____

5. TOTAL # OF EMPLOYEES: _____ NEW OR REPLACED SIGNAGE: YES NO

6. OUTDOOR STORAGE: NO YES (If yes, explain): _____
7. NUMBER OF SEATS FOR CUSTOMERS: INDOOR _____ OUTDOOR _____
8. ALCOHOL: NONE ONSITE CONSUMPTION OFF-SITE CONSUMPTION (e.g., retail sales)
9. TOBACCO: NONE ONSITE CONSUMPTION OFF-SITE CONSUMPTION (e.g., retail sales)
10. REQUIRED OFF-STREET PARKING: _____ (refer to MMC Chapter 17.48 for requirements)

Site Information

11. ZONING: _____ APN: _____
12. TYPE OF BUILDING: SINGLE TENANT MULTI-TENANT OTHER: _____
13. TOTAL SQUARE FEET OF SHOPPING CENTER: _____
14. DATE PREVIOUS BUSINESS CLOSED: _____

Formula Retail

15. NUMBER OF EXISTING, OPERATIONAL ESTABLISHMENTS WORLDWIDE: _____
16. WILL THE BUSINESS MAINTAIN TWO OR MORE OF THE FOLLOWING FEATURES: YES NO
- If yes, circle the applicable feature. Please refer to Malibu Municipal Code Section 17.66.130 for the feature definitions.*
- | | |
|------------------------------|--|
| a. Standardized color scheme | e. Standardized layout |
| b. Standardized décor | f. Standardized signage, service mark or trademark |
| c. Standardized façade | g. Standardized array of merchandise or menu |
| d. Uniform apparel | |

***Formula Retail Establishment if:
Question No. 15 is ten (10) or more, and Question No. 16 is YES**

17. IS THE BUSINESS A FORMULA RETAIL ESTABLISHMENT*: YES NO
18. IS THE BUSINESS ONE OF USES LISTED BELOW: YES NO
- If yes, circle the applicable use.*
- | | |
|------------------------------|--|
| a. Bank or financial service | f. Lower-cost overnight accommodations |
| b. Drug store/pharmacy | g. Medical use |
| c. Gas station | h. Movie theater |
| d. Grocery | i. Postal service office |
| e. Insurance office | j. Real estate office |
19. IS THE PROPOSED BUSINESS WITHIN A SHOPPING CENTER IN EXISTENCE AS OF APRIL 1, 2014, AND IN THE CIVIC CENTER COMMERCIAL DISTRICT: YES NO
- Civic Center Commercial District is all commercially-zoned/used land generally located between the Pacific Ocean to the south, Malibu Canyon Road to the west, the City boundary to the north, and Malibu Creek to the east. The district also includes commercial use on the parcels comprising Hughes Research Laboratory (HRL).*
20. SQUARE FOOTAGE OF LEASED AREA: _____ SQ. FT.

21. TOTAL SQUARE FEET OF SHOPPING CENTER / SERVICE CENTER: _____

****Formula Retail Establishment is Exempt from a Conditional Use Permit if:
 Question No. 18 is YES, or
 Question No. 19 is YES, and Question No. 20 is between 1,400 sq. ft. and 5,000 sq. ft.**

22. IS THE FORMULA RETAIL ESTABLISHMENT EXEMPT FROM A CUP**: YES NO Not Formula
 (If Question No. 22 is yes, OR Question No. 17 is no skip Question No. 23)

Tenant Improvement

23. EXTERIOR ADDITIONS, DEMOLITION, AND/OR ALTERATIONS TO THE BUILDING: YES NO

If yes, explain: _____

24. INTERIOR ALTERATIONS, PLUMBING / MECHANICAL SYSTEMS TO BE ADDED, ALTERED, OR MOVED:

(e.g., fixtures, wastewater, heating, air conditioning, etc.): YES NO

If yes, explain: _____

ADDITIONAL PERMITS

Approval of this Planning Clearance is for the use of the tenant space, it does not eliminate the need for other permits, licenses, or certificates required. Additional permits may be required (e.g., Health Permit, Occupancy Permit, Sign Permit, Tenant Improvement Permit, Temporary Use Permit, Conditional Use Permit, etc.). See the Department of Environmental Sustainability to verify which construction permits may be required.

APPLICANT STATEMENT

I hereby certify under penalty of perjury that I have read and understand all of the sections above and that the information provided on this form is true and correct to the best of my knowledge. I also state that I have read and familiarized myself with the portions of the Malibu Municipal Code which apply to my business in this location. I agree to comply with these regulations and any other local, state, and federal regulation that my relation to this proposed business.

Property Owner, or Applicant Signature: _____

Date: _____

Staff Use Only

- 1. PERMITTED USE: YES NO
- 2. FORMULA RETAIL ESTABLISHMENT THAT REQUIRES A CUP YES NO
(YES if Question No. 22 is No)
- 3. CONDITIONALLY PERMITTED USE: YES NO (If yes, a CUP is required)
- 4. DEVELOPMENT SCOPE:
 - BASIC REMODEL/INTERIOR: YES NO (If yes, no Planning issues)
 - MINOR REMODEL/EXTERIOR: YES NO (If yes, OC Level I - OR - OC Level II*)

**If OC II, referrals required by:* Environmental Health Public Works Biology
 Geology LA County Fire Department Hazardous materials

 - MINOR ADDITION / EXTERIOR ALTERATIONS: YES NO (If yes, APR required)
 - MAJOR ADDITION / RECONFIGURATION, AND/OR WASTEWATER SYSTEM UPGRADE:
 YES NO (If yes, CDP required)

<input type="checkbox"/> PC APPROVED	<input type="checkbox"/> PC DENIED*
DATE APPROVED: _____	DATE DENIED: _____
PLANNER SIGNATURE: _____	
*REASON FOR DENIAL: _____	

NEXT STEPS (e.g., submit to Building Safety; apply for a CUP, provide information, etc.):

PLANNING CLEARANCE CONDITIONS OF APPROVAL

- 1. The approval of this planning clearance is for the use described in the application, no development is permitted as part of this planning clearance approval.
- 2. **If Formula Retail**
 - a. This approved planning clearance shall run solely with the operation of the formula retail establishment for which it was approved and continue to be valid upon change of ownership of the formula retail establishment, the land, or any lawfully existing building or structure on the land. The planning clearance shall expire in the event that a formula retail establishment ceases or suspends operation for a period of six consecutive calendar months, relocates to another tenant space,

expands by two hundred (200) square feet or more of gross floor area, or increases service area by fifty (50) square feet or more.

3. Construction Hours

- a. Per Malibu Municipal Code (MMC) Section 4.2.04(G), construction may take place from 7:00 a.m. to 7:00 p.m. weekdays and 8:00 a.m. to 5:00 p.m. on Saturdays. Construction is not permitted on Sundays or the following City observed holidays: New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day.

4. Noise

- a. All noise is subject to the City's Noise Ordinance found in MMC Chapter 8.24. The project applicant and property owner acknowledge receipt of the City's Noise Ordinance and agree to comply with the provisions at all times.

5. Lighting

- a. Exterior lighting shall be minimized, restricted to low intensity features, shielded, and concealed to the maximum feasible extent so that no light source is directly visible from public viewing areas. Traffic lights, navigational lights, and other similar safety lighting are exempt from this requirement.

6. Signs

- a. All signs shall comply with MMC Chapter 17.52. A sign permit is required unless specifically exempt under MMC Section 17.52.050(D). To apply for a sign permit, submit a uniform application, letter of authorization, the sign permit review fee, and 3 sets of plans.

7. Alarm Permits

- a. Per MMC Chapter 8.08 anyone who owns or uses an alarm system shall obtain a permit for that system from the City. Alarm systems that are not designed to evoke a police or fire response and are not intended to be audible outside of the premises are exempt from this requirement.
- b. A service charge will be imposed in instances of alarm systems that emit more than two false alarms during any consecutive 12-month period. The penalties for operating an alarm system without a permit are contained in MMC Section 8.08.160.

8. Wastewater Disposal

- a. All wastewater shall be disposed of on the site where it is created, unless a property is already developed with a habitable structure and a conditional use permit is obtained for off-site treatment or disposal. A conditional use permit, subject to the provisions of MMC Chapter 17.66, may be granted to the site receiving the wastewater only after consideration of the following factors:
- b. Geologic or soils conditions of the sending site which limit on-site wastewater treatment and disposal capacity;
- c. Indications that there are no other technically feasible treatment options available to the sending site;
- d. Compatibility of the proposed off-site treatment and disposal facility with the uses and character of adjacent properties and surrounding neighborhood;
- e. The environmental and public health impacts to the receiving site with respect to site-specific and area-wide geology, site-specific and area-wide hydrology, biological resources/native plant communities, water quality/proximity to receiving waters, and cumulative impacts;

- f. The environmental benefits of off-site disposal are greater than those from on-site disposal;
- g. Subject to applicable provisions of this code, water may be recycled through toilets and/or used for landscape irrigation.

9. Smoking

- a. Smoking is prohibited in all outdoor dining areas located on private or public property, including the public right-of-way. Smoking is also prohibited within 20 feet of an outdoor dining area, except while actively passing by on the way to another destination. The MMC defines “smoking” as inhaling, exhaling, burning, or carrying any lighted cigarette, cigar or pipe. (Ord. No. 337, § 1, 7-13-2009)
- b. Any business with an area subject to the prohibition set forth in MMC Section 9.32.020 shall post or cause to be posted and shall maintain “no smoking” signs in conspicuous locations within said area. All such signs shall: (1) be no greater than one square foot in size; (2) be prominently displayed; (3) clearly state “no smoking” and/or use the international “no smoking” symbol; and (4) reference MMC Section 9.34.020. Any business with an area subject to the prohibition set forth in MMC Section 9.34.020 shall also provide a smoker’s waste receptacle 20 feet from the entry way or, where that distance is not possible, at the farthest possible point away from the entry way.

10. Tobacco

- a. Per M.M.C. Chapter 5.42, all merchants who sell tobacco, tobacco products, or tobacco paraphernalia shall register with the City. The tobacco registration form application is available on the City’s website and at City Hall. Registration is free, is effective for one year, and has to be renewed annually, not later than 30 days prior to the expirations of the term.

11. Plastic Bags

- a. Per M.M.C. Chapter 9.28 no retail, restaurant, vendor, or nonprofit vendor shall provide plastic bags of compostable plastic bags to customers.

12. Polystyrene Food Packaging (Styrofoam)

- a. Per MMC Chapter 9.24, no restaurant, food packager, retail food vendor, vendor, or nonprofit food provider shall provide prepared food to its customers in any food packaging that utilizes expanded polystyrene.

13. Special Conditions

- a. _____

- b. _____

ACCEPTANCE OF CONDITIONS AFFIDAVIT

The undersigned applicant(s) and property owner(s) acknowledge and agree to abide by all terms and conditions of **Planning Clearance Number** _____ for the business located at

_____.

Date

Signature of Applicant

Print Applicant's Name

Date

Signature of Property Owner/Manager

Print Property Owner/ Manager's Name