



City of Malibu

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PC No. ____ - ____

PLANNING CLEARANCE APPLICATION

The City of Malibu will not accept incomplete applications

General Information

PROPOSED PROPERTY ADDRESS: _____ Unit #. _____

BUSINESS NAME: _____

BUSINESS ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

BUSINESS PHONE #: _____ BUSINESS EMAIL: _____

APPLICANT / CONTACT: First: _____ Last: _____

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

APPLICANT PHONE #: _____ APPLICANT EMAIL: _____

PROPERTY OWNER: _____

Fees

Planning Clearance \$ _____ CASH CHECK #: _____

Occupant Inspection \$ _____ CREDIT CARD
2.9% Transaction Fee will apply
2.9% + \$0.30 (for online transactions)

TOTAL FEES: \$ _____

Business Information

1. BUSINESS TYPE: RETAIL MEDICAL FOOD SERVICE
 OFFICE OTHER: _____

2. PROPOSED BUSINESS: NEW BUSINESS NAME CHANGE ONLY
 OTHER: _____

3. BUSINESS DESCRIPTION (PROVIDE ADDITIONAL PAGES IF NECESSARY):

4. HOURS OF OPERATION: _____

5. TOTAL # OF EMPLOYEES: _____

6. **NEW OR REPLACED SIGNAGE:** YES NO
7. **NUMBER OF SEATS FOR CUSTOMERS:** INDOOR _____ OUTDOOR _____
- NOTE: If outdoor seating is proposed, or currently exists onsite, applicants will need to demonstrate compliance with the City of Malibu's Parking Lot Safety Standards Ordinance (see Malibu Municipal Code Section 17.48.070) by submitting an application for Vehicle Impact Protection Devices. This additional evaluation may delay Planning Clearance determination.
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. **ZONING:** _____ **APN:** _____
11. **TYPE OF DEVELOPMENT:** SINGLE BUILDING MULTI-TENANT OTHER:
12. **SQUARE FOOTAGE OF LEASED AREA:** _____ SQ. FT.
13. **PREVIOUS USE OF THE TENANT SPACE:** RETAIL MEDICAL FOOD SERVICE
 OFFICE INDUSTRIAL OTHER: _____
14. **DATE PREVIOUS BUSINESS CLOSED:** _____

Formula Retail

15. **WILL THE BUSINESS MAINTAIN TWO OR MORE OF THE FOLLOWING FEATURES LISTED BELOW?** YES NO
- If yes, circle the applicable feature below.
- | | |
|--|--|
| a. Standardized array of merchandise or menu | e. Standardized layout |
| b. Standardized color scheme | f. Standardized signage, service mark or trademark |
| c. Standardized décor | g. Uniform apparel |
| d. Standardized signage | |
16. **DOES THE EXISTING BUSINESS PROPOSE AN EXPANSION OF AT LEAST 200 SQUARE FEET OF GROSS FLOOR AREA?** YES NO
17. **IS THE PROPOSED BUSINESS USE LISTED BELOW?** YES NO
- If yes, please circle the applicable use below.
- | | |
|------------------------------|--------------------------------------|
| a. Bank or financial service | f. Low-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 |

Proposed Tenant Improvement

18. **EXTERIOR ADDITIONS, DEMOLITION, AND/OR ALTERATIONS TO THE BUILDING:** YES NO
- If yes, please explain: _____
19. **INTERIOR ALTERATIONS, PLUMBING / MECHANICAL SYSTEMS TO BE ADDED, ALTERED, OR MOVED:**
(e.g., fixtures, wastewater, heating, air conditioning, etc.): YES NO
- If yes, please explain: _____
20. **EXISTING AND PROPOSED FLOOR PLAN:** ATTACHED N/A (No Change)

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.

INDEMNIFICATION CLAUSE

The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

PROPERTY OWNER SIGNATURE PROPERTY OWNER NAME (PRINT) DATE

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: YES NO
3. CONDITIONALLY PERMITTED USE: YES NO (If yes, a CUP is required)

Approved for permit: _____ Date: _____
Planning Staff

NOT Approved for permit: _____ Date: _____
Planning Staff

Reason not approved or additional information required:

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

****See Building Safety Division for occupancy change***

****Discuss Tenant Improvement with the Planning Department for potential review and submittal requirements***

- No new signage is approved with this application. Any new signage requires a sign permit

- Any new tenant improvements shall be submitted under a separate application.

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. **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.
3. **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.
4. **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.
5. **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.
6. **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.
7. **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.

8. 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.

9. Tobacco

- a. Per MMC 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.

10. Plastic Bags

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

11. 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.

12. Special Conditions

1. Onsite sale of vehicles is prohibited. Vehicles may only be sold online (assisted or unassisted).
2. Test drives shall be limited to a maximum of eight per day.
3. No more than three cars shall be onsite at any given time; and shall not take up required parking.
4. Vehicles shall not be repaired onsite.
5. The tenant shall not exceed 1,058-square feet, as approved under Formula Retail Clearance (FRC)No. 20-003.

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 No.** _____ 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