Commission Agenda Report

Planning Commission Meeting
07-20-26
Item 3.B.3.

To: Chair Peak and Members of the Planning Commission

Prepared by: Adriana Grogan, Assistant Planner

Reviewed by: Fletcher Allen, Senior Planner

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director and Tyler Eaton, Assistant Community Development Director

Date prepared: July 9, 2026 Meeting date: July 20, 2026

Subject: Formula Retail Clearance No. 26-007 – Cross Creek Ranch Shopping Center

Location: 23465 Civic Center Way, Suite 720
APN: 4458-022-032
Owner: Cross Creek Ranch Malibu, LLC
Tenant: Jenni Kayne

RECOMMENDED ACTION: Receive and file the Community Development Director's report on Formula Retail Clearance (FRC) No. 26-007 (Attachment 1).

DISCUSSION: This agenda item is for informational and reporting purposes only. In March 2018, the City Council adopted Ordinance No. 431(a) regulating formula retail in commercial shopping centers. The Ordinance went into effect on April 12, 2018, establishing Malibu Municipal Code (MMC) Chapter 17.61 (Formula Retail Clearance).

The ordinance sets forth a ministerial[1] process by which a tenant with a non-exempt formula retail business receives approval from the Community Development Director to locate within a shopping center. MMC Section 17.61.030(C) states that all FRCs approved by the Community Development Director shall be noticed and reported to the Planning Commission within 30 days of issuance, and that the approval shall become final two days after the clearance is reported to the Commission, unless rescinded by the Director.

[1] A ministerial process is one in which there is no discretion on the part of the decision-maker in the application of the standards.

MMC Section 17.61.020 – Applicability

An FRC is required for new Formula Retail establishments or existing Formula Retail establishments that relocate to a new tenant space or expand by 200 square feet or more of gross floor area[2] (GFA), except for the following which are exempt:

1. Grocery
2. Drug stores/pharmacies
3. Gas stations
4. Banks and financial services
5. Real estate offices
6. Movie theaters
7. Postal services offices
8. Medical offices

The subject FRC is for Jenni Kayne, a retail clothing store, which is a non-exempt use. Furthermore, Jenni Kayne currently has 31 locations worldwide. These aspects qualify Jenni Kayne as Formula Retail under the MMC.

MMC Section 17.61.030(B) – FRC Criteria for Issuance

The Community Development Director shall issue an FRC if the Formula Retail use complies with the following requirements:

1. *The location does not exceed 4,000 square feet of gross floor area.* The proposed tenant space is 2,467 square feet of gross floor area, which complies with this requirement.

2. *Issuing the FRC will not result in (a) non-exempt formula retail establishments occupying more than 30 percent of the total gross floor area of a shopping center excluding the floor area occupied by exempt formula retail defined in MMC Section 17.61.020(A)(1-8) only; or (b) where the shopping center is more than one floor, non-exempt Formula Retail establishments occupying more than 40 percent of the total gross floor area of the ground floor of the shopping center, excluding the floor area occupied by exempt formula retail defined in MMC Section 17.61.020(A)(1-8).*

   The ordinance provides the following formula:

(Gross floor area - floor area of exempt formula retail)	X 0.30 =	Allowable non-exempt formula retail
	X 0.70 =	Required non-formula retail

[2] Gross floor area (GFA) means the sum of the gross horizontal areas of the several floors of a building measured from the interior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, vehicular maneuvering areas, or any space where the floor-to-ceiling height is less than six feet.

The Cross Creek Ranch shopping center has 10 buildings comprised of both one- and two-stories, and over 37 units, totaling 111,489 square feet of total gross floor area (GFA). The calculations shown below in Table 1 demonstrate that the proposed Formula Retail Use complies with all appropriate criteria:

Table 1
Cross Creek Ranch Shopping Center – Compliance Table
Proposed 2,467 sq. ft. Non-exempt Tenant (Unit 720)

Overall Shopping Center		
Total GFA of existing shopping center	1st floor: 90,303 sq. ft. 2nd floor: 21,186 sq. ft. Total: 111,489 sq. ft.	
Total exempt formula retail	0 sq. ft.	
30% Calculation	Total: 111,489 sq. ft. Exempt: - 0 sq. ft. 111,489 sq. ft. Allowable: 111,489 sq. ft. x .30 = **33,446.70 sq. ft.**	
Non-exempt formula retail GFA		
Proposed Formula Retail		
Tenant (Suite No.)	Square Footage	Comments
Jenni Kayne (720)	**---- SUBJECT APPLICATION ---2,467**	***Proposed on 7/20/2026***
Vuori (730)	3,866	*Proposed on 7/20/2026*
LoveShackFancy (340)	1,850	*Proposed on 7/20/2026*
Existing Formula Retail		
Brandy Melville (350)	1,525	*Approved on 4/20/2026*
Malbon (470)	1,573	*Approved on 4/20/2026*
Restoration Hardware (610-630)	2,613	*Approved on 4/20/2026*
Birkenstock (850)	2,528	*Approved on 4/20/2026*
KITH (110)	3,996	*Approved on 2/20/2024*
KITH Treats (120)	719	*Approved on 2/13/2024*
Frankies Bikinis (330)	863	**Grown into FRC*
Le Labo (360)	1,354	*Approved on 2/14/2024*
Ray-Ban (395)	1,190	*Approved on 2/14/2024*
Zadig & Voltaire (450)	1,805	*Approved on 9/10/2024*
Frame 460)	1,808	*Approved on 9/10/2024*
Pura Vida Miami (705)	2,469	*Approved on 4/15/2024*
Jenni Kayne (710)	1,857	*Approved on 4/15/2024*
TOTAL Existing FR	**23,950**	
TOTAL FR with subject application	26,417	*Complies (less than 33,447 sq. ft)*
TOTAL FR with all proposed tenants on 7/20/2026	32,133	*Complies (less than 33,447 sq. ft)*

**By June 2026, Frankies Bikinis has grown to at least 11 locations worldwide.*

"Grown Into Formula Retail"

As shown in the table above, the Cross Creek Ranch shopping center, along with other shopping centers in Malibu, will experience existing stores that "grow into Formula Retail" as is the case with Frankies Bikinis. When Frankies Bikinis came to Malibu it was approved under a regular Planning Clearance because they did not meet the criteria for Formula Retail under the MMC, specifically because they did not have more than 10 locations worldwide. Frankies Bikinis is now being counted as Formula Retail for the purposes of this application.

The Formula Retail Ordinance is not based on new businesses that obtain a Formula Retail Clearance per se, it is a snapshot of existing conditions of the shopping center's businesses at the time an application is processed by the City (See Formula Retail Definition MMC Section 17.02). Although this application complies with the Formula Retail Ordinance for the shopping center based on existing conditions, there may be instances where the shopping center has stores that grow into (and out of) Formula Retail based on stores constantly opening and closing worldwide. As a result, the number of existing Formula Retail stores within any given shopping center in Malibu will fluctuate over time even if the existing businesses remain in their current spaces within the shopping center.

PUBLIC NOTICE: This item was posted on the July 20, 2026, Regular Planning Commission Meeting agenda.

ATTACHMENTS:

1. FRC No. 26-007 Application
2. Tenant List
3. Site Plan

FRC No. 26-007

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

FORMULA RETAIL CLEARANCE APPLICATION

The City of Malibu will not accept incomplete applications

General Information

PROPERTY ADDRESS: 23465 Civic Center Way, Malibu CA 90265 **Unit #** Suite 720

BUSINESS NAME: Jenni Kayne

APPLICANT / CONTACT [redacted] **Last:** Mauge

APPLICANT ADDRESS: [redacted] **TY:** Santa Monica **STATE:** CA **ZIP:** 90401

APPLICANT PHONE #: [redacted] **APPLICANT EMAIL:** tmauge@pacequity.com

PROPERTY OWNER: Cross Creek Ranch Malibu, LLC

Fees

❑ **Formula Retail Clearance** $_____

Formula Retail

1. **DOES THE PROPOSED RETAIL SERVICE CURRENTLY HAVE 1O OR MORE OPERATIONAL RETAIL ESTABLISHMENTS WORLDWIDE AND 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
   b. Standardized color scheme
   c. Standardized décor
   d. Standardized signage
   e. Standardized layout
   f. Standardized signage, service mark or trademark
   g. Uniform apparel

2. **WILL THE PROPOSED LOCATION EXCEED 4,000 SQUARE FEET OF GROSS FLOOR AREA?**

   ❒ YES ■ NO

3. **PROPOSED BUSINESS:** ■ NEW BUSINESS ❒ OTHER: _____

4. **BUSINESS DESCRIPTION (PROVIDE ADDITIONAL PAGES IF NECESSARY):**
   See attached.

ATTACHMENT 1

5. **TOTAL GROSS FLOOR AREA OF SHOPPING CENTER:** 111,489 sf

6. **PROPOSED FLOOR AREA:** 2,467 sf

***ISSUING THE FRC WILL *NOT RESULT IN (A)* NON-EXEMPT FORMULA RETAIL ESTABLISHMENTS OCCUPYING MORE THAN 30 PERCENT OF THE TOTAL GROSS FLOOR ARE OF A SHOPPING CENTER EXCLUDING THE FLOOR AREA OCCUPIED BY EXEMPT FORMULA RETAIL DEFINED IN 17.66.020(A)(1)-(8) ONLY, OR (B), WHERE THE SHOPPING CENTER IS MORE THAN ONE FLOOR, NON-EXEMPT FORMULA RETAIL ESTABLISHMENTS OCCUPY MORE THAN 40 PERCENT OF TOTAL GROSS FLOOR AREA OF THE GROUND FLOOR OF THE SHOPPING CENTER.**

REPORT TO PLANNING COMMISSION

All formula retail clearances approved by the Planning Director shall be noticed and reported to the Planning Commission within 30 days of issuance. Such report shall include all calculations and descriptions of businesses used in making the determination. The approval shall become final two days after the clearance is reported to the Planning Commission, unless rescinded by the Planning Director.

ADDITIONAL PERMITS

Approval of this Formula Retail Clearance is to clear the tenant space to be occupied by a formula retail establishment. It does not eliminate the need for other permits, licenses, or certificates required. Additional permits may be required (e.g., Health Permit, Certificate of Occupancy, 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
		6/15/26

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: 6/15/26

Staff Use Only

FORMULA RETAIL CALCULATION

PROPOSED FORMULA RETAIL FLOOR AREA: 2,467

EXEMPT FORMULA RETAIL FLOOR AREA: 0

SHOPPING CENTER **TOTAL** GROSS FLOOR AREA: **1st FLOOR:** 30,303 **2nd FLOOR:** 21,186 **TOTAL:** 111,489

TOTAL GFA: 111,489 - 0 **EXEMPT FORMULA RETAIL =** 111,489

111,489 **x 30% =** 33,446 **ALLOWABLE FORMULA RETAIL**

NON-EXEMPT FORMULA RETAIL GFA (including applicant): 26,417 **COMPLIES** ■ YES ❒ NO

SHOPPING CENTER - GROSS FLOOR AREA OF **FIRST FLOOR**:

TOTAL GFA FIRST FLOOR: _____ - _____ **EXEMPT FORMULA RETAIL =** _____

_____ **x 40% =** _____ **ALLOWABLE FORMULA RETAIL**

NON-EXEMPT FORMULA RETAIL GFA (including applicant): _____ **COMPLIES** ■ YES ❒ NO

Approved FRC: *Fletcher Allen for* Adriana Grogan — **Date:** 7/8/2026
Planning Staff

NOT Approved for FRC: _____ — **Date:** _____
Planning Staff

Reason not approved or additional information required:

_____

_____

_____

Cross Creek Ranch

23465 Civic Center Way, Malibu, CA 90265

111,489 SF Total

July 1, 2026

Tenant Space	Business Name	# of other stores World***	Operational at CCR	Leasable SF	Exempt Retail	Settlement Agreement Formula Retail - 20%	Settlement Agreement Formula RSF	Settlement Agreement Formula as GLA %	Formula Retail Ordinance - 30%	Formula Retail Ordinance RSF	Formula Retail Ordinance as GLA %
110	KITH	10+	1	3,996		Yes	3,996	3.58%	No	-	0.00%
120	KITH Treats	10+	1	719		Yes	719	0.64%	No	-	0.00%
210	Clark's Oyster Bar	5	1	3,016		No	-	0.00%	No	-	0.00%
220				1,476			-	0.00%		-	0.00%
230	WGACA	3	0	1,441		No	-	0.00%	No	-	0.00%
240	Bomane	1	0	1,606		No	-	0.00%	No	-	0.00%
310	Sunroom	0	1	870		No	-	0.00%	No	-	0.00%
320				714			-	0.00%		-	0.00%
330	Frankies Bikinis**	10	1	863		No	-	0.00%	Yes	863	0.77%
340	LoveShackFancy	10+	0	1,850		No	-	0.00%	Yes	1,850	1.66%
350	Brandy Melville	10+	1	1,525		No	-	0.00%	Yes	1,525	1.37%
360	Le Labo	10+	1	1,354		Yes	1,354	1.21%	No	-	0.00%
370	The Shop by Wheat***	9	1	1,520		No	-	0.00%	No	-	0.00%
380	Guest in Residence	2	0	1,293		No	-	0.00%	No	-	0.00%
390				1,294			-	0.00%		-	0.00%
395	Ray-Ban	10+	1	1,190		Yes	1,190	1.07%	No	-	0.00%
410	Chit Chat Coffee + Matcha	2	0	510		No	-	0.00%	No	-	0.00%
420	The Great	8	1	1,587			-	0.00%	No	-	0.00%
430	California Incline	0	1	581		No	-	0.00%	No	-	0.00%
440				593			-	0.00%		-	0.00%
450	Zadig & Voltaire	10+	1	1,805		Yes	1,805	1.62%	No	-	0.00%
460	Frame	10+	1	1,808		Yes	1,808	1.62%	No	-	0.00%
470	Malbon	10+	0	1,573		No	-	0.00%	Yes	1,573	1.41%
480 - 490	Madeo Mare	0	0	3,308		No	-	0.00%	No	-	0.00%
610 - 630	RH	10+	0	2,613		No	-	0.00%	Yes	2,613	2.34%
705	Pura Vida Miami	10+	1	2,469		Yes	2,469	2.21%	No	-	0.00%
710	Jenni Kayne	10+	0	1,507		Yes	1,507	1.35%	No	-	0.00%
720	Jenni Kayne	10+	0	2,467		No	-	0.00%	Yes	2,467	2.21%
730	Vuori	10+	0	3,866		No	-	0.00%	Yes	3,866	3.47%
740				3,897			-	0.00%		-	0.00%
750 - 760	Wally's	3	1	2,580		No	-	0.00%	No	-	0.00%
810 - 820	Velvet	9	1	1,816		No	-	0.00%	No	-	0.00%
830	Be Kind Studios	2	1	1,994		No	-	0.00%	No	-	0.00%
840	O2 Aspen	1	0	982		No	-	0.00%	No	-	0.00%
850	Birkenstock	10+	0	2,528		No	-	0.00%	Yes	2,528	2.27%
860	Madhappy	6	1	2,382		No	-	0.00%	No	-	0.00%
870	Alexander Design Workshop	0	0	1,501		No	-	0.00%	No	-	0.00%
Building 9	Industrious*	n/a	1	15,590		No	-	0.00%	No	-	0.00%
Building 10				15,598			-	0.00%		-	0.00%
Building 11				10,524			-	0.00%		-	0.00%
Storage, Restrooms, etc				2,683			-	0.00%		-	0.00%
				111,489			14,848	13.32%		17,285	15.50%

Total SF	**111,489**
Exempt SF	-
Non-Exempt SF	111,489
Percent Settlement Agreement Formula Retail Allowed	20%
Allowed Settlement Agreement Formula Retail	22,298
Current Settlement Agreement Formula Retail	14,848
Percent Formula Retail Ordinance Allowed	30%
Allowed Formula Retail Ordinance	33,447
Current Formula Retail Ordinance	17,285
TOTAL Formula Retail SqFt	32,133

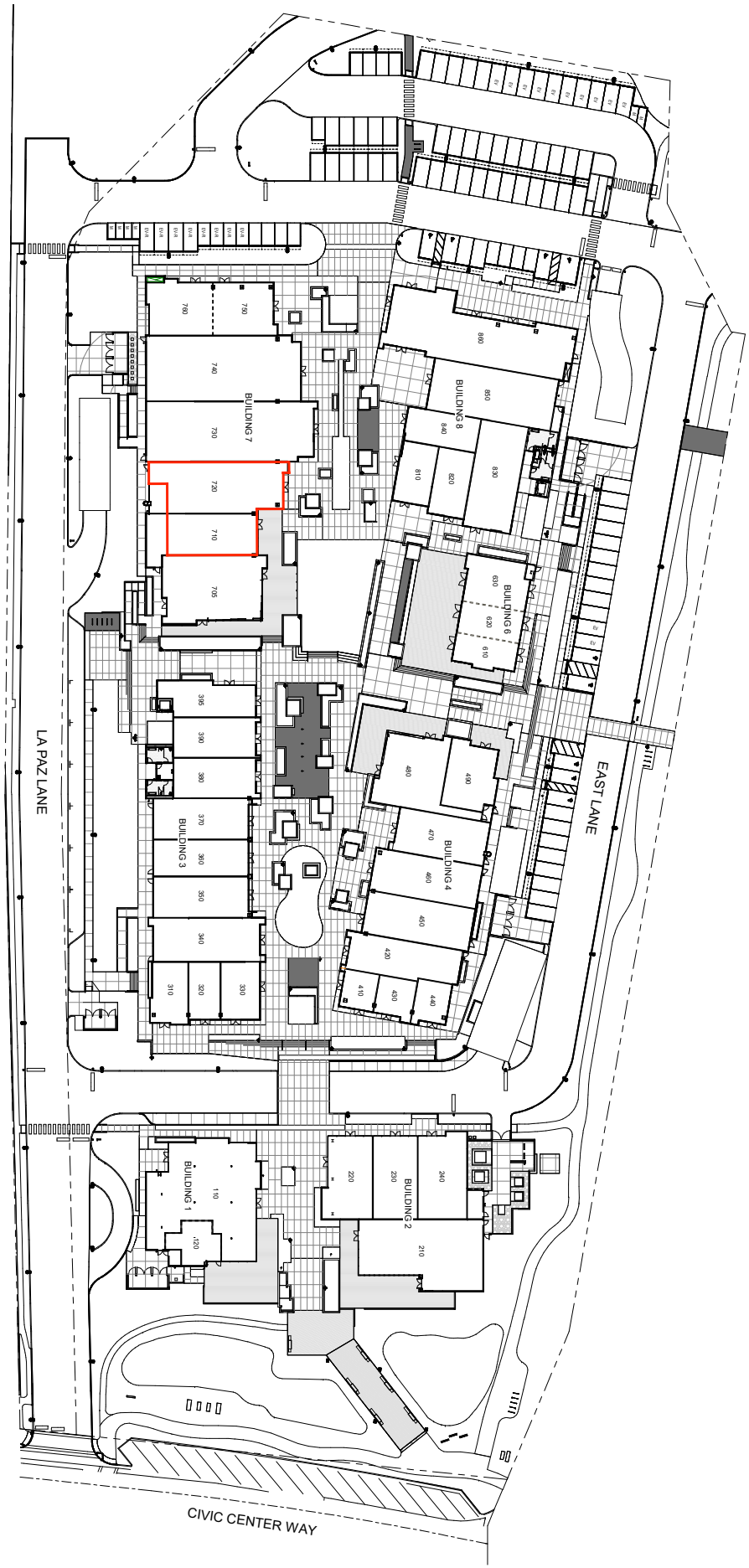
*Industrious is a coworking space leasing to small offices. None of the offices users are formula retail.

**When Frankies Bikinis opened they had less than 10 stores and were not Formula Retail. Frankies now has 10 stores and is being accounted for as Formula Retail in the 30% category.

***The Shop by Wheat was issued Formula Retail Clearance 26-005, however, they are not currently considered formula retail.

Per MMC § 17.02.060, the definition of formula retail includes "a retail establishment which, along with ten or more other existing, operational retail establishments in the world." This Column C includes the number of other existing, operational retail establishments in the world.

ATTACHMENT 2



ATTACHMENT 3