Commission Agenda Report

Planning Commission Meeting
08-17-26
Item 5.A.

To: Chair Peak and Members of the Planning Commission

Prepared by: Coli Turner, MUP, Assistant Planner

Reviewed by: Didier Murillo, Principal Planner

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

Date prepared: August 6, 2026 Meeting date: August 17, 2026

Subject: Formula Retail Clearance No. 26-008 and Formula Retail Waiver No. 26-001 – An application for Go Greek Yogurt at The Park at Cross Creek Shopping Center

Location: 23401 Civic Center Way, Unit 2B
APN: 4458-022-030
Owners: Market Park Center, LLC and Oak Market Oak Center LLC
Tenant: Go Greek Yogurt

RECOMMENDED ACTION: Either 1) Adopt Planning Commission Resolution No. 26-40 (Attachment 1) determining the project is exempt from the California Environmental Quality Act (CEQA), and approving Formula Retail Clearance (FRC) No. 26-008 for Go Greek Yogurt, a 650 square foot retail establishment within the Park at Cross Creek Shopping Center; including Planning Commission Formula Retail Waiver (FRW) No. 26-001 pursuant to Malibu Municipal Code 17.61.030(D) from the shopping center's maximum allowable formula retail floor area, allowing 409 square feet (sf.) of additional formula retail space within the Commercial Visitor Serving-One zoning district located at 23401 Civic Center Way, Unit 2B (Market Park Center LLC and Oak Market Oak Center LLC); or 2) direct staff to return with a resolution consistent with the Planning Commission's decision.

DISCUSSION: This agenda item is before the Planning Commission for consideration and decision on FRC No. 26-008 and FRW No. 26-001 for Go Greek Yogurt, a proposed 650 square foot (sf.) formula retail establishment at The Park at Cross Creek Shopping Center.

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. However, the applicant is proposing a waiver to exceed the shopping center's allowable formula retail floor area. A waiver request must be approved by the Planning Commission (MMC Section 17.61.030 (D)).

The proposed use would cause the shopping center to exceed the 30 percent maximum formula retail floor area allowance established under the city's regulations. The Park at Cross Creek shopping center only has 241 sf. remaining in their allocation due to Gold Union having grown into FRC in recent months. The last remaining tenant space in the shopping center is 650 sf., 409 sf. over the maximum allowable. Go Greek Yogurt states that 241 sf. is not enough to operate their business due to the amount of space needed for their kitchen appliances and food service operations. Staff attempted to work with the applicant to fit within the allowable space, but the applicant determined it was infeasible to operate within such a limited area and chose to move forward with a waiver application.

The Planning Commission may grant a waiver to the Formula Retail Ordinance where it finds, based on substantial evidence, that due to unusual circumstances, strict compliance with the standards for a FRC creates an undue hardship. The Planning Commission may impose conditions on any waiver as required so that the formula retail use is compatible with existing surrounding uses and preserves the community's character and ambiance.

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

[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.

[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 subject FRC is for Go Greek Yogurt, a retail food service business specializing in Greek-style frozen yogurt, yogurt, yogurt products, and related retail food items; a non-exempt use. Furthermore, Go Greek Yogurt has over 30 locations worldwide.

MMC Section 17.61.030(B-D) - 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 650 sf. of gross floor area, which complies.

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 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 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

- The Park at Cross Creek Shopping Center contains five one-story buildings, totaling 38,188 square feet of total GFA. The shopping center[3] also has common areas, including walkways, parking, and public restrooms. The calculations below evaluate the FRC request inclusive of the waiver.

[3] Pursuant to MMC Section 17.02.060 a shopping center is defined as a group of retail, retail service, and other commercial establishments operating under common management or having common areas such as walkways, parking, public restrooms, or similar shared amenities, and having at least 10,000 square feet of gross floor area, whether on one parcel or multiple parcels. This definition is for purposes of Chapter 17.61 (FRC) only.

Table 1 The Park at Cross Creek Shopping Center – Compliance Table Proposed 650 sf. Non-Exempt Tenant (Unit 2B)		
Overall Shopping Center		
Total GFA of existing shopping center	38,188 sf..	
Total exempt formula retail	24,549 sf. (Whole Foods)	
30% Calculation	Total: 38,188 sf. Exempt: - 24,549 sf. 13,639 sf. Allowable: 13, 639 sq. ft. x .30 = **4091.7 sq. ft.**	
Non-exempt formula retail GFA	9,337 sf.	
Proposed Formula Retail		
Tenant (Suite No.)	Square Footage	Comments
Go Greek Yogurt (2B)	**650**	***Proposed August 17,2026***
Existing Formula Retail		
Prince Street Pizza/Irv's Burgers (1A & B)[4]	1,011	*Grown into FRC*
Blue Bottle Coffee (2A)	645	*Proposed on 11/5/2018*
Tesla (2D)	1,068	*Proposed on 2/1/2021*
Just For Dogs (4E)	467	*Proposed on 6/21/21*
Gold Union (2C)	660	*Grown into FRC*
TOTAL Existing FR	3,851	
TOTAL (Existing FR + Proposed FR)	4,501	*Does not comply without a waiver (Over 409 sf.)*

The requested 650 square feet of floor area for Go Greek Yogurt exceeds the allowable formula retail [5] limit by 409 square feet for the shopping center. The applicant's justification for the waiver request is provided in Attachment 3. Note the applicant's justification references a lower sf. for the waiver request. Staff conducted another survey of retail uses within the shopping center just before publication of the staff report and found that Gold

[4] Prince Street Pizza, Irv's Burgers, and Sparky's Sports Bar occupy units 1A & B within the Park at Cross Creek shopping center. Of these businesses Only Prince Street Pizza is classified as a Formula Retail establishment pursuant to MMC Section 17.02.060

[5] Pursuant to MMC Section 17.02.060, a Formula Retail establishment is a retail sales and/or retail service establishment that, together with 10 or more existing operational retail establishments worldwide, maintains standardized features such as a common name, trademarks, signage, décor, uniforms, merchandise, or business methods. Accordingly, the establishment of an eleventh operational location, including one within the City or Malibu, would meet the definition of a Formula Retail establishment under the MMC.

Union had recently grown into FRC. The allowable floor areas for formula retailers in The Park at Cross Creek Shopping Center are restricted by the Whole Foods grocery store. Whole Foods utilizes more than half the shopping center's commercial space, and reduces the allowable formula retail allowance to 4,092 sf. This is in comparison to their neighboring shopping centers at Malibu Village and Cross Creek Ranch, who have 51,331 square feet and 111,489 sf. respectively of formula retail allowances based on the size of their shopping centers and the lack of exempt retail space. Attached is Resolution No. 26-40 for the Planning Commission's consideration with findings for approval. The Planning Commission may also deny the application in which case staff will return at a future date with a resolution reflecting the findings of the Planning Commission.

CORRESPONDENCE: Correspondence was received from the manager of Market Park Center, LLC (Attachment 7).

PUBLIC NOTICE: On July 23, 2026, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 500 ft. radius of the subject parcel (Attachment 8).

ATTACHMENTS:

1. PC Resolution No. 26-40
2. FRC No. 26-008 Application
3. Applicant's Justification
4. Tenant Lists
5. Department Reviews
6. Site Plan
7. Correspondence
8. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-40

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING FORMULA RETAIL CLEARANCE NO. 26-008 FOR GO GREEK YOGURT, A 650 SQUARE FOOT RETAIL ESTABLISHMENT WITHIN THE PARK AT CROSS CREEK SHOPPING CENTER; INCLUDING PLANNING COMMISSION FORMULA RETAIL WAIVER NO. 26-001 PURSUANT TO MALIBU MUNICIPAL CODE 17.61.030(D) FROM THE SHOPPING CENTER'S MAXIMUM ALLOWABLE FORMULA RETAIL FLOOR AREA, ALLOWING 409 SQUARE FEET OF ADDITIONAL FORMULA RETAIL SPACE WITHIN THE COMMERCIAL VISITOR SERVING-ONE ZONING DISTRICT LOCATED AT 23401 CIVIC CENTER WAY, UNIT 2B (MARKET PARK CENTER LLC AND OAK MARKET OAK CENTER LLC)

The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. On March 18, 2026, an application for Planning Clearance (PC) No. 26-013 was submitted to the Planning Division by the applicant Robinson Hill Architecture on behalf of property owners Market Park Center LLC and Oak Market Oak Center LLC). The application was routed to the Building and Safety Division and Malibu City Public Works for review.

B. On June 2, 2026, Planning Division staff determined that the subject application must be converted to a Formula Retail application, as the proposed use meets the definition of Formula Retail pursuant to Malibu Municipal Code (MMC) Section 17.02.060, which applies to businesses maintaining more than ten other operational stores worldwide. Go Greek Yogurt is a qualifying formula retail business with more than forty stores worldwide.

C. On July 16, 2026, staff reviewed the subject application and determined that the proposed use would cause the Park at Cross Creek shopping center to exceed the 30 percent formula retail threshold established under MMC Section 17.61.030 (B)(2). Accordingly, the applicant requested a waiver under MMC Section 17.61.030 (D) to allow 409 square feet of additional retail floor area within the shopping center.

D. On August 6, 2026, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject parcel and to all interested parties.

E. On August 17, 2026, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the proposed project is categorically exempt from the provisions of CEQA pursuant to Section 15301(e) – Existing Facilities. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Waiver Findings.

Formula Retail Waiver No. 26-001 from MMC Section 17.61.030(D) to allow approximately 300 square feet or retail floor area

MMC Section 17.61.030(B)(2) authorizes issuance of a Formula Retail Clearance where a proposed formula retail use meets the applicable criteria. The proposed Go Greek establishment is approximately 650square feet in gross floor area and therefore does not exceed the 4,000-square-foot maximum for a single-business. However, approval of the FRC would cause the cumulative total of non-exempt formula retail establishments within the shopping center to exceed the 30 percent allowable limit requiring consideration of a waiver pursuant to MMC Section 17.61.030(D). The shopping center has a total of 38,188 gross square footage, the Whole Foods market contains 24,549 sf. of exempt formula retail space, leaving only 4,092 square feet of formula retail space for the remaining shopping center. Go Greek requested to put the shopping center over their limit by 409 square feet. The Planning Commission made the required findings for FRW No. 26-001 as follows.

1. The planning commission may waive the requirements of subsection B (shopping center's formula retail allocation) where it finds, based on substantial evidence, that due to unusual circumstances, strict compliance with the standards for an FRC creates an undue hardship. The planning commission may impose conditions on any waiver as required so that the formula retail use is compatible with existing surrounding uses and preserves the community's character and ambiance.

The Planning Commission finds that special circumstances and exceptional characteristics are applicable to The Park at Cross Creek Shopping Center and support the requested FRW. The shopping center is a commercial development consisting of 18 tenant spaces and approximately 38,188 square feet of commercial floor area, with a tenant mix that includes both formula and non-formula retail establishments. The proposed 650 sf. Go Greek Yogurt establishment represents a relatively small portion of the shopping center's overall commercial floor area and would cause the applicable formula retail percentage to exceed the 30 percent limitation by 409 square feet. The applicant's request is therefore limited to a relatively minor amount of additional formula retail floor area and would not substantially alter the overall character or tenant mix of the shopping center. Based on these circumstances, strict application of the 30 percent limitation would deprive the shopping center of the opportunity to accommodate the proposed use, a privilege available to similarly situated commercial properties that remain within the applicable formula retail allowance.

The Planning Commission finds that granting the FRW to allow 409 square feet of additional formula retail floor area will not be detrimental to the public interest, safety, health, or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zoning district. The proposed Go Greek Yogurt establishment will occupy an existing 650 sf. commercial tenant space within The Park at Cross Creek Shopping Center and will not result in external alterations to the shopping center. The proposed use is consistent with the commercial nature of the shopping center and will operate within an existing commercial development with established code compliant access, parking, circulation, and public services. The relatively limited amount of additional formula retail floor area will not result in a substantial change to the character or intensity of the shopping center as the use is compatible with the commercial zoning district which has similar retail food services within. Additionally, the proposed use is subject to compliance with all applicable requirements of the MMC and other applicable laws and regulations including the Los Angeles County Building Code and LA County Health Codes. Therefore, the granting of the waiver will not result in adverse impacts to the public or surrounding properties

The Planning Commission finds that granting the FRW will not constitute a special privilege to the applicant or property owner. The waiver is limited to 409 square feet of additional formula retail floor area and is based on the specific circumstances of The Park at Cross Creek Shopping Center and the applicable formula retail calculations. The waiver does not exempt the applicant from other applicable requirements of the MMC or grant the applicant the right to exceed other applicable development standards. The granting of the waiver is therefore based on the circumstances of the subject shopping center and the applicable regulatory criteria, rather than on the identity of the applicant or property owner and does not confer a special privilege that is unavailable to similarly situated properties or applicants. A significant portion of the total gross floor area is occupied by Whole Foods, an exempt formula retail. This substantially reduces the amount of formula retail allowed at The Park at Cross Creek Shopping Center in comparison to neighboring shopping centers.

The Planning Commission finds that granting the FRW is consistent with the purpose and intent of the Commercial Visitor-Serving-One (CV-1) zoning district. The proposed Go Greek Yogurt establishment is a retail food use located within an existing commercial shopping center and is consistent with the visitor-serving commercial uses intended for the CV-1 zoning district. The waiver would not change the property's existing commercial use, introduce a use that is inconsistent with the CV-1 zoning district, or alter the overall commercial character of The Park at Cross Creek Shopping Center. There are many similar food services in the shopping center and the surrounding area which serves as one of Malibu's commercial cores. Therefore, the requested waiver is consistent with the purpose and intent of the CV-1 zoning district.

The Planning Commission finds that the FRW complies with all applicable requirements of state and local law. The application has been reviewed for compliance with the applicable requirements of the MMC, including the requirements for a FRC and the waiver provisions of Malibu Municipal Code Section 17.61.030(D). The proposed use is located within the CV-1 zoning district and is subject to all other applicable state and local requirements, including applicable building, fire, public health, and safety regulations. The project has also been reviewed for compliance with CEQA, as applicable. Therefore, the FRW complies with all applicable requirements of state and local law.

SECTION 4. Formula Retail Waiver Approval.

Based on substantial evidence contained within the record and pursuant to MMC Chapter 17.61, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact, and approves FRC No. 26-008 and FRW 26-001 for the establishment of Go Greek Yogurt, a 650-square-foot retail business located in the CV-1 zoning district at 23401 Civic Center Way Unit No. 2B.

The project, as proposed, has been determined to be consistent with all applicable provisions of the MMC, including the applicable Formula Retail regulations, and all applicable standards, goals, and policies. The proposed use is consistent with the applicable permitted-use regulations and Formula Retail requirements for the subject zoning district.

SECTION 5. Conditions of Approval.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves FRC No. 26-008 and FRW No. 26-001 subject to the following conditions.

Standard Conditions

1. 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.

2. Approval of this application is to allow for the project described herein. The scope of work approved includes:

   FRC No. 26-008 and FRW No. 26-001 to allow 409 square feet of retail floor area over the allowable 4092 square feet of formula retail allowance for the shopping center.

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Division date stamped **March 19, 2026**. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to MMC Section 17.61.030 (C) 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.

5. The applicant shall digitally submit a complete set of plans to the Planning Division for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits for any tenant improvement.

6. Any questions of intent or interpretation of any condition of approval will be resolved by the Community Development Director upon written request of such interpretation.

7. All development shall conform to requirements of the City of Malibu Community Development Division, Building & Safety Division, and City of Malibu Public Works, as applicable. Notwithstanding this review, all required permits shall be secured.

8. Minor changes to the approved plans or the conditions of approval may be approved by the Community Development Director, provided such changes achieve substantially the same results and the project is still in compliance with the Malibu Municipal Code. Revised plans reflecting the minor changes and additional fees shall be required.

9. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.

10. This waiver shall not be effective until all appeals are exhausted and the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Division prior to the issuance of any development permits.

11. All other conditions of FRW No. 26-001 are incorporated herein by reference.

12. The property owner shall comply with all provisions of the MMC and LIP.

Lighting

13. Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
    a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60-watt incandescent bulb);
    b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
    c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
    d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;

e. Site perimeter lighting shall be prohibited; and
f. Outdoor decorative lighting for aesthetic purposes is prohibited.

14. Night lighting for sports courts or other private recreational facilities shall be prohibited.

15. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot-candle.

16. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas. Lighting of the shore or the beach in excess of one foot-candle is prohibited.

17. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.

18. Motion sensor lights shall be programmed to extinguish ten minutes after activation.

19. No lighting can exceed 18 feet in height except as required by the California building code.

20. Three violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

Operations

21. The use or distribution of expanded polystyrene foam packaging, also known as "Styrofoam", is prohibited. Applicant and all event contractors shall not use expanded polystyrene foam packaging for any aspect of their event including food preparation/distribution. Applicant shall comply with MMC Chapter 9.24 and shall be responsible for informing vendors of this ban.

22. The property owner/tenant shall comply with the requirements set forth in MMC Chapter 9.24 (Ban on Plastic Food Packaging and Other Plasticware). No retail establishment, restaurant, vendor or nonprofit vendor shall provide plastic beverage straws, plastic stirrers, or plastic cutlery to customers.

23. The use or distribution of plastic shopping bags (compostable and non-compostable) is prohibited. Applicant and all event contractors shall not use plastic bags for any aspect of their event including food distribution, nor for any distribution of items or goods to the participants and/or attendees except as stated in MMC Chapter 9.28. Applicant shall comply with MMC Chapter 9.28 and shall be responsible for informing vendors of this ban.

Prior to Final Planning Inspection

24. The applicant shall request a final Planning Division inspection prior to final inspection by the City of Malibu Building Safety Division prior to opening.

Fixed Conditions

25. This FRC and FRW shall run with the land and bind all future owners of the property.

26. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

SECTION 6. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 17th day of August 2026.

SKYLAR PEAK, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

LOCAL APPEAL - Pursuant to Malibu Municipal Code (MMC) Section 17.04.220 (Appeal of action) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, ext. 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-40 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 17th day of August 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
REBECCA EVANS, Recording Secretary

City of Malibu

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Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

FRC No. 26-008

Received
7/1/26
Planning Div.

FORMULA RETAIL CLEARANCE APPLICATION

The City of Malibu will not accept incomplete applications

General Information

PROPERTY ADDRESS: 23401 Civic Center Way **Unit #** 2B

BUSINESS NAME: Go Greek Yogurt

APPLICANT / CONTACT: First: Michael **Last:** Robinson

APPLICANT ADDRESS: 3195B Airport Loop Dr **CITY:** Costa Mesa **STATE:** CA **ZIP:** 92626

APPLICANT PHONE #: 949.283.7938 **APPLICANT EMAIL:** robinson@rhainc.net

PROPERTY OWNER: Market Park Center LLC & Oak Market Oak Center LLC

Fees

❑ **Formula Retail Clearance $_____**

Formula Retail

1. **DOES THE PROPOSED RETAIL SERVICE CURRENTLY HAVE 10 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):**
   This is a new 650 sf retail store for the sale of frozen yogurt. There is no interior seating included

ATTACHMENT 2

5. **TOTAL GROSS FLOOR AREA OF SHOPPING CENTER:** 40351

6. **PROPOSED FLOOR AREA:** 650

***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.

Steve Welch Agent For Owner	Market Park Center LLC	6/15/26
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: Irene Perez Date: 6 6 26

Staff Use Only

FORMULA RETAIL CALCULATION

PROPOSED FORMULA RETAIL FLOOR AREA: 650

EXEMPT FORMULA RETAIL FLOOR AREA: 26 64

SHOPPING CENTER **TOTAL** GROSS FLOOR AREA: **1st FLOOR:** 40 5 **2nd FLOOR:** _____ **TOTAL:** 40 5

TOTAL GFA: 40 5 - 26 64 **EXEMPT FORMULA RETAIL =** 702

702 **x 30% =** 4 **ALLOWABLE FORMULA RETAIL**

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

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

TOTAL GFA FIRST FLOOR: 40 5 - 26 64 **EXEMPT FORMULA RETAIL =** 702

702 **x 40% =** 548 **ALLOWABLE FORMULA RETAIL**

NON-EXEMPT FORMULA RETAIL GFA (including applicant): 5 866 **COMPLIES** ☐ YES ☐ NO

Approved FRC: Coli Turner Date: 6 24 26
Planning Staff

NOT Approved for FRC: _____ Date: _____
Planning Staff

Reason not approved or additional information required:

_____

_____

_____

robinson hill architecture, inc.

Date: August 6, 2026

To: Community Development Department
23825 Stuart Ranch Road
Malibu, California 90265

RE: Go Greek Yogurt
The Park at Cross Creek

Formula Retail Waiver Request

The Applicant respectfully requests approval of a waiver from the Formula Retail Clearance criteria for the proposed Go Greek Yogurt location at The Park at Cross Creek.

The circumstances surrounding this application are unusual, and strict application of the Formula Retail calculation creates an undue hardship that is disproportionate to the very limited numerical deviation involved. Approval of the waiver would allow a compatible, community-serving business to occupy an existing commercial tenant space without increasing the size, intensity, or development footprint of the shopping center and without undermining the purpose or intent of Malibu's Formula Retail regulations.

1. Unusual Circumstances

This application presents unusual circumstances because the Applicant proceeded with the project in good faith through an extensive design, engineering, permitting and review process based upon the understanding that the proposed use could be approved within the applicable Formula Retail requirements.

The tenant improvement plans were prepared and submitted for permit review on March 4, 2026. Since that time, the Applicant, its architect, engineers, consultants and contractor have continued advancing the project and responding to the City's requirements.

During the Formula Retail review, calculations for the shopping center were prepared, submitted and revised on multiple occasions in consultation with City staff.

On June 12, City staff advised the project team that, based upon the information submitted, the business appeared to comply with the Formula Retail Ordinance and that staff could proceed with preparation of the staff report, subject to corrections to the supporting spreadsheet.

The project team continued to revise the calculations and documentation as requested by staff.

Subsequently, the treatment of the exempt Formula Retail square footage within the shopping center calculation resulted in a revised determination. Under that calculation, the proposed Go Greek location causes the shopping center to exceed the allowable Formula Retail threshold by only approximately 300 square feet.

The Applicant therefore finds itself in the unusual position of having committed substantial resources to an existing tenant space and progressed through months of permitting and Formula Retail review, only to encounter a relatively small numerical exceedance arising from the shopping-center-wide calculation.

These circumstances were not created by an expansion of the Go Greek premises or by an attempt to increase the intensity of the proposed use.

A California Corporation
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Costa Mesa, CA 92626
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2. Strict Compliance Creates an Undue Hardship

Strict application of the Formula Retail threshold would create a substantial hardship relative to the approximately 300-square-foot exceedance.

The Applicant has already incurred significant costs for architectural design, engineering, permitting, professional consultants and construction preparation specifically for this location.

The ownership selected this particular tenant space because it believes The Park at Cross Creek and the Malibu community are exceptionally well suited to the Go Greek concept.

Requiring the Applicant to abandon the location because of approximately 300 square feet within a shopping-center-wide calculation would effectively render months of professional work and substantial investment unusable.

Reducing the Go Greek tenant space by approximately 300 square feet is also not a practical solution. The premises are already relatively small, and the space must accommodate the equipment, food preparation, service, accessibility, circulation and operational requirements necessary for the business to function properly. A further reduction would materially compromise the functionality and viability of the store.

The resulting hardship is therefore not simply financial. It arises from the relationship between an existing, fixed tenant space, the operational requirements of the proposed use, and a shopping-center-wide Formula Retail calculation over which the Applicant has no control.

3. The Request Is Limited in Scope

The requested waiver is narrow.

The approximately 300-square-foot exceedance represents a minor deviation in the context of the overall shopping center and does not involve:

Expansion of the existing shopping center;

Construction of additional commercial floor area;

Expansion of the proposed Go Greek premises;

An increase in the building footprint;

A change to the underlying permitted commercial use; or

A material change in the character or intensity of the shopping center.

The waiver would simply allow Go Greek Yogurt to occupy an existing commercial tenant space.

4. Go Greek Is Consistent With the Purpose of Malibu's Formula Retail Regulations

The Applicant recognizes and respects the City's objectives in regulating Formula Retail, including preserving Malibu's distinctive community character, encouraging a diverse retail environment, and avoiding an excessive concentration of standardized national chain businesses.

Although Go Greek meets the technical Formula Retail definition because of its number of operating locations, the nature of the company is substantially different from the large institutional or multinational retailers commonly associated with formula retail.

Go Greek remains a closely held, family-operated business.

The company is led by husband and wife David and Tanja Subotic, who remain personally involved in the company's operations, development and major decisions. Their close friend and business partner Jonathan is also actively involved, and Joe Murgel has been personally engaged to oversee the design, permitting and construction of the company's new locations.

There are not multiple layers of corporate management making decisions remotely from the project.

The ownership team itself remains directly involved.

Importantly, the Malibu location will not be a franchise. It will be a corporately owned location in which the owners are making a direct investment because they specifically selected Malibu and believe in the long-term potential of this community.

5. Compatibility With Malibu and Surrounding Uses

Go Greek is particularly compatible with the character and lifestyle of Malibu.
The concept emphasizes Greek yogurt, healthy food choices, fresh fruit, premium products, wellness and a family-oriented environment.
The proposed use complements the existing tenant mix at The Park at Cross Creek rather than fundamentally changing it.
The project will occupy an existing commercial space and will contribute to the center through:
A health- and wellness-oriented food offering;
Local employment;
Additional pedestrian activity;
Complementary customer traffic for neighboring businesses;
Investment in an existing commercial tenant space; and
A high-quality business intended to operate in Malibu for the long term.
The ownership team views Malibu as a particularly important location and intends for the store to become an active and responsible member of the local business community.

6. Approval Would Not Undermine the Intent of the Ordinance

The purpose of the Formula Retail regulations is to prevent an overconcentration of standardized businesses from creating a homogenized retail environment and diminishing Malibu's unique community character.
Approval of this limited waiver would not create that result.
The approximately 300-square-foot exceedance is a mathematical consequence of the shopping center calculation. It does not translate into a meaningful physical change to the center or its community character.
Go Greek's presence would add another food and wellness offering to the center, and the proposed store remains modest in size.
The Applicant is also reaching out to neighboring businesses within The Park at Cross Creek to obtain their comments and, where appropriate, letters of support demonstrating that existing tenants welcome Go Greek as a neighbor and consider it a positive addition to the shopping center and Malibu community.

7. Basis for Approval

The Applicant respectfully submits that substantial evidence supports the requested waiver because:
Unusual circumstances exist. The project advanced through months of design, permitting and Formula Retail review before the shopping-center calculation ultimately produced an approximately 300-square-foot exceedance.

Strict compliance creates an undue hardship. The Applicant has made substantial project-specific commitments, and reducing the already-small tenant space by approximately 300 square feet would materially affect the functionality and viability of the proposed business.

The deviation is minor and narrowly defined. The request concerns approximately 300 square feet in a shopping-center-wide calculation and does not involve expansion of the premises or shopping center.

The use is compatible with surrounding businesses. Go Greek is a health- and wellness-oriented food concept that complements the existing commercial environment.

The project preserves Malibu's community character and ambiance. The Malibu store will be company-owned and directly overseen by the closely held ownership group, which intends to become a long-term participant in the Malibu community.

Approval does not defeat the purpose of the Formula Retail Ordinance. The limited numerical exceedance will not create the type of proliferation, sameness or homogenization that the ordinance is intended to prevent.

Conclusion

Go Greek Yogurt and its ownership team respect the City's Formula Retail regulations and the important community objectives those regulations are intended to protect.

This request does not seek to avoid those objectives.

Rather, it asks the Planning Commission to exercise the waiver authority specifically provided for circumstances where strict application of the Formula Retail criteria, because of unusual circumstances, would create an undue hardship.

The approximately 300-square-foot exceedance is limited, technical in nature, and results from a shopping-center-wide calculation outside the Applicant's control. Denial would have a substantial impact on a project that has already progressed through months of design, engineering and permitting, while approval would allow a compatible, modestly sized, family-operated business to occupy an existing commercial space without materially changing the physical character, intensity or ambiance of The Park at Cross Creek or the Malibu community.

For these reasons, the Applicant respectfully requests that the Planning Commission approve the Formula Retail waiver for Go Greek Yogurt at The Park at Cross Creek

Sincerely,



Michael Robinson
Principal
robinson hill architecture, inc.
714.825.8888 ext 108
robinson@rhainc.net

6.18.26

The Park at Crosscreek

Formula Retail Calculations

Total Center Area

Space	Tenant	Use	No of Stores	Square Footage	Exempt Area	Formula Retail	Non-Exempt
1A & B	Prince Street Pizza	Restaurant	19	1011		1011	
	Irvs Burgers	Restaurant	5	518			518
	Sparkys + Restrooms	Restaurant	1	591			591
1C	Be Well IV	Health/Fitness	3	895			895
2A	Blue Bottle Café	Restaurant	140+	645		645	
2B	Go Greek Yogurt	Retail	31	650		(Proposed)	
2C	Gold Union	Retail	13	660		660	660
2D	Tesla	Retail	1,359	1,068		1068	
3A	Howdys	Restaurant	2	985			985
3B	Malibu Sushi	Restaurant	1	459			459
3C	Bearies Acai	Retail	6	522			522
3D	Barefoot Dreams 1	Retail	2	1493			1493
4A	Barefoot Dreams 2	Retail	2	1497			1497
4D	Barefoot Dreams	Retail	2	1149			1149
4E	Just For Dogs	Retail	1,300	467		467	
4F	Nail Spa @ The Park	Retail	1	568			568
4G	Door to Door Cleaners	Retail	10	461			
Building 5	Wholefoods	Grocery	530	24549	24549		
Total	**18**			**38188**	**24549**	**3851**	**9337**

Gross Floor Area-floor area Exempt FRC	**13639**	
Percent Formula Retail Allowed 30%	**4091.70**	Allowed formula retail
Required Non-Formula Retail 70%	**9547.3**	All non-Formula Retail uses
Remaining FRC Square Footage	**241**	
Go Greek Yogurt Proposed	**650**	Does not comly
FRC Waiver Request	**409**	

ATTACHMENT 4

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-7650
www.malibucity.org

BUILDING SAFETY
PLANNING CLEARANCE REVIEW
REFERRAL SHEET
(INTERNAL REFERENCE ONLY)

TO: Building Safety Plan Reviewer

FROM: Planning Department **DATE:** 07/01/2026

PROJECT NUMBER:	FRC 26-008
JOB ADDRESS:	23401 CIVIC CENTER WAY, 2B
APPLICANT / CONTACT:	Irene Perez
APPLICANT EMAIL:	irene.0677@yahoo.com
PROJECT DESCRIPTION:	Formula Retail Clearance application for Go Greek Yogurt

---

TO: Planning Department

FROM: Building Safety Plan Reviewer

Occupant Inspection Checklist

Building Safety Referral – Planning Clearance

	YES	NO	
Change to tenant space	____	✓	
Change to occupancy	____	✓	
Requires TI Plan Check	✓	____	Fees Due $ ____
Requires TI Permit	✓	____	Fees Due $ ____

Yolanda Rudy

Signature

Date

Rev 041217 mr

ATTACHMENT 5

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-7650

PUBLIC WORKS REVIEW
REFERRAL SHEET

TO: Public Works Department

FROM: City of Malibu Planning Department **DATE:** 07/01/2026

PROJECT NUMBER: FRC 26-008

JOB ADDRESS: 23401 CIVIC CENTER WAY, 2B

APPLICANT / CONTACT: Irene Perez

APPLICANT EMAIL: irene.0677@yahoo.com

PROJECT DESCRIPTION: Formula Retail Clearance application for Go Greek Yogurt

---

TO: Malibu Planning Department and/or Applicant

FROM: Public Works Department

_____ **The following items described on the attached memorandum shall be addressed and resubmitted.**

X

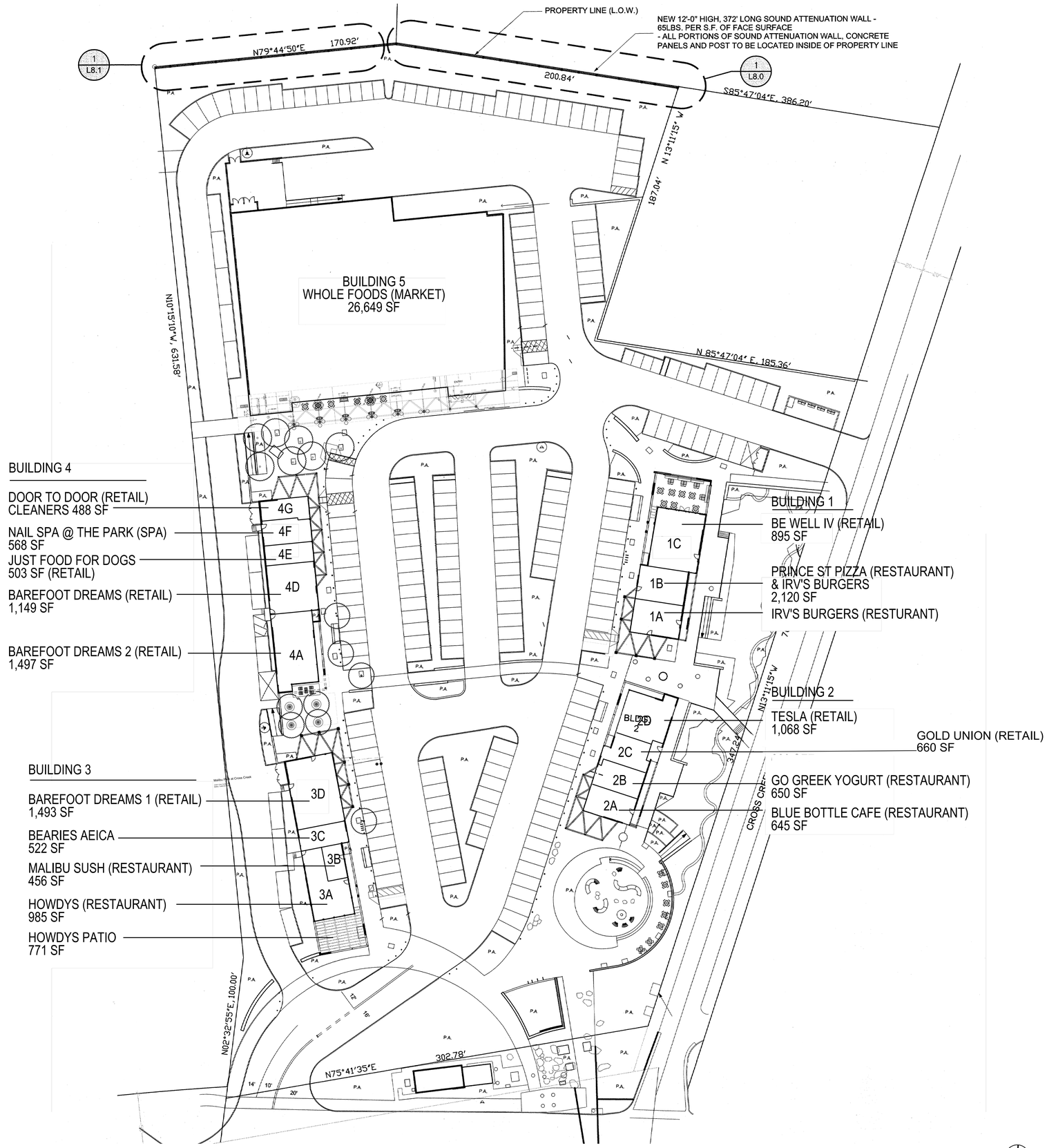
_____ **The project was reviewed and found to be in conformance with the City's Public Works and LCP policies and CAN proceed through the Planning process.**

Building Plan Check (BPC) Required ❑Yes ❑No BPC Fees Req'd $_____

SIGNATURE

07/13/2026

DATE



ATTACHMENT 6

Site Plan | 1"= 30'-0" | 01

ROBINSON HILL ARCHITECTURE, INC

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This document has been prepared to describe proposed new work and does not necessarily represent as-built or existing conditions. The Architect does not warrant, in any way, the accuracy of this information and shall not be responsible for any discrepancy between this document and the existing conditions.

PROJECT NAME:

Tenant Improvement
Go Greek Yogurt
The Park at Cross Creek
Suite 2B, 23401 Civic Center Way, Malibu, California 90265

OWNER:

MARKET PARK CENTER LLC AND OAK MARKET OAK CENTER LLC
c/o PACIFIC WEST ASSET MANAGEMENT CORPORATION

3191 AIRPORT LOOP DRIVE #D
COSTA MESA, CA 92626

MITZI ESCOTO
TEL: 714.433.7300
MEscoto@pacificwest.cc

PROPERTY MANAGER:

GOLDEN STATE PROPERTY SERVICES, LLC

STEVE WELCH
805.640.5891
stevegs@gmail.com

CONSULTANT:

STAMP

LICENSED ARCHITECT
DAVID ROBINSON HILL
C20731
09/2027
RENEWAL DATE
STATE OF CALIFORNIA

SUBMITTAL	
PERMIT SUBMITTAL	3.4.26
REV PERMIT SUBM'L	4.14.26

REVISION	DATE

PROJECT AREA:

JOB NUMBER:

SHEET TITLE:

SHEET NUMBER:

A-101a

Market Park Center, LLC
The Park at Cross Creek

August 6, 2026

City of Malibu Planning Commission
23825 Stuart Ranch Road,
Malibu, CA 90265

RE: FORMULA RETAIL WAIVER REQUEST - THE PARK AT CROSS CREEK
23401 CIVIC CENTER WAY, MALIBU, CA 90265

Dear Planning Commissioners,

On behalf of the Ownership of The Park at Cross Creek, we respectfully submit this letter in support of the Formula Retail Waiver request associated with the proposed Go Greek Yogurt tenancy.

We understand and appreciate the City's desire to preserve Malibu's character while encouraging a healthy balance of national and independent businesses. We believe this waiver request is consistent with those objectives. The requested waiver is extremely limited in nature. The shopping center exceeds the Formula Retail threshold by approximately 440 square feet.

The Park at Cross Creek includes a diverse mix of national, regional, and independent local businesses, including Tesla, which occupies approximately 1,125 square feet at the shopping center pursuant to a lease that expires on April 30, 2028. Approximately eighteen months ago, Tesla approached Ownership to discuss the possibility of an early lease termination. Although the parties ultimately continued under the existing lease, those discussions demonstrated that Tesla had previously evaluated its long-term occupancy at this location. While Ownership cannot predict Tesla's future business decisions, there is a reasonable possibility that the premises may become available upon expiration of the current lease.

Should Tesla vacate the premises, Ownership intends to seize that opportunity by subdividing the existing space into two suites. Ownership's plan is for approximately 50% of the existing space to remain available for Formula Retail uses, while the remaining approximately 50% would be reserved for non-Formula Retail businesses. Ownership believes this commitment represents a meaningful public benefit and directly advances the purpose of Malibu's Formula Retail regulations. By comparison, the waiver currently before the Commission involves only a technical exceedance of approximately 440 square feet for an existing tenant space. Approval of this limited request would allow the shopping center to remain fully occupied while positioning the property to achieve a substantial long-term reduction in large-format Formula Retail space.

The Park at Cross Creek remains committed to maintaining a high-quality shopping destination that serves Malibu residents and visitors. We believe the requested waiver, together with Ownership’s proposed future subdivision of the Tesla space, represents a reasonable and balanced solution that recognizes the existing conditions at the shopping center while furthering the City’s long-term planning goals.

For these reasons, we respectfully request that the Planning Commission approve the requested Formula Retail Waiver.

Thank you for your thoughtful consideration.

Sincerely,

David S. Blatt

David S. Blatt
Manager
Market Park Center, LLC

ATTACHMENT 7

3191 D Airport Loop ◆ Costa Mesa, California 92626-3404 ◆ (714) 433-7300 Fax (714) 433-7330

City Of Malibu
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Malibu, CA 90265
Phone (310) 456-2489
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COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, August 17, 2026, at 6:30 p.m**. in the Multi-Purpose Room, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA on the project identified below. Public comment can be submitted ahead of the public hearing to planningcommission@malibucity.org for inclusion in the public record. To participate during the public hearing, please review the meeting agenda posted at MalibuCity.org/AgendaCenter and follow the directions for public participation.

FORMULA RETAIL CLEARANCE NO. 26-008 AND FORMULA RETAIL WAIVER NO. 26-001 - An application for a Formula Retail Clearance for Go Greek Yogurt, a 645-square-foot retail establishment located within The Park at Cross Creek Shopping Center; including a request for a Planning Commission waiver pursuant to Malibu Municipal Code Section 17.61.030(D) from the shopping center's maximum allowable formula retail floor area, allowing approximately 300 square feet of additional formula retail space

LOCATION / APN:	**23401 Civic Center Way, 2B** / 4458-022-030
ZONING:	Commercial Visitor-Serving-One (CV-1)
APPLICANT / OWNER:	Irene Perez / Market Park Center LLC
TENANT:	Go Greek Yogurt
APPEALABLE TO:	City Council
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Section 15301(e)
APPLICATION FILED:	July 1, 2026
CASE PLANNER:	Coli Turner, Assistant Planner, cturner@malibucity.org / (310) 456-2489, ext. 295

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Commission regarding this matter will be afforded an opportunity in accordance with the Commission's procedures. Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours. Oral and written comments may be presented to the Planning Commission on, or before, the date of the meeting.

LOCAL APPEAL – A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action (15 days for tentative maps) for which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org/planningforms or in person at City Hall, or by calling (310) 456-2489, extension 246.

IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.

YOLANDA BUNDY, Community Development Director — Date: July 23, 2026

ATTACHMENT 8