Commission Agenda Report

Planning Commission Meeting
10-05-26
Item 5.D.

To: Chair Kamins and Members of the Planning Commission

Prepared by: Michelle Santiago, 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: September 24, 2026 Meeting date: October 5, 2026

Subject: Request for Determination of Use No. 26-002 – Smoke Shop in a Community Commercial Zoning District

Location: 22775 Pacific Coast Highway
APN: 4452-021-009
Owner: Carbon Plaza LLC
Tenant: Malibu Smoke Co.

RECOMMENDED ACTION: Either 1) adopt Planning Commission Resolution No. 26-47 determining the project is exempt from the California Environmental Quality Act, and approving Determination of Use No. 26-002, determining that a smoke shop use is similar to, and not more objectionable than, a liquor store use in the Community Commercial zoning district, subject to obtaining a conditional use permit (Carbon Plaza LLC); or 2) direct staff to return with a resolution consistent with the Planning Commission's decision.

DIRECTOR'S RECOMMENDATION: The applicant requested that the Community Development Director determine that a smoke shop is a permitted use in the CC zoning district (Attachment 2). A smoke shop has one distinguishing feature that prevented the Director from determining that the proposed smoke shop use was similar in nature to the uses permitted in the CC zoning district: 1) smoke shops are part of the highly regulated tobacco industry which may or may not be similar to and not more objectionable than retail use which may provide a similar service and is a permitted use in the CC zoning district (Attachment 2). On these bases, the Director concluded that the decision would be elevated to the Planning Commission, as contemplated by Malibu Municipal Code (MMC) Section 17.04.050.

DISCUSSION: To implement the General Plan and regulate land use and development in a manner compatible with the City's planning goals, the City is divided into zoning districts. Each zone has development standards for structures and limits the land uses to a variety of uses that generally are compatible with one another and together are consistent with the City's long-range vision for the area. Land uses in the Local Coastal Program (LCP) largely mirror the MMC. The Coastal Act allows the City to enact more restrictive regulations without amendments to the LCP and generally provides that the City may adopt and enforce additional regulations, not in conflict with the Coastal Act, as long as the permitted uses of the property in the coastal zone are not altered and there is no change in the relative composition of residential, commercial or recreational uses.

The applicant proposes to locate the smoke shop on a commercially developed property located approximately ¼ mile east of the Malibu Pier on Pacific Coast Highway (PCH). The existing commercial building is approximately 5,641 square feet (sf) in size, of which 1,483 sf would be occupied by the smoke shop Unit 202 (Attachment 3). Tobacco sales (smoke) shops are not listed in the City's Permitted Use Table, nor explicitly listed in the CC zoning district as an allowed use. However, the City has issued approvals on tobacco sales shops in the past and has a Tobacco Retailer Registration Ordinance codified in MMC Section 5.42, indicating that tobacco sales are generally allowed in the City. Because the CC zoning district is silent on whether these shops can be allowed as just a permitted "by-right" use or a conditionally permitted use, the Director is requesting the Planning Commission decide the proper way to process tobacco retailers in the CC zoning district.

The site provides 17 onsite parking spaces which have been restriped pursuant to approved plans in 2015 (Attachment 4) . Pursuant to MMC Section 17.48.030 the off-street parking requirements of general retail stores, except as otherwise provided requires one space for each 225 sf of gross floor area (Attachment 5). The proposed use would not be intensifying the allowed parking required for a retail use and there are no proposed changes to the parking supply or layout. The proposed smoke shop is taking over portions of an existing Cannabis Dispensary known as 99 High Tide. Furthermore, a food store, grocery store, supermarket, or similar used also requires one space for each 225 sf of gross floor area.

Furthermore, staff conducted research on other existing tobacco stores in the city and found two previously approved tobacco stores (in the same location), which the city approved as a retail use only, exactly what the current applicant is proposing (Attachment 6). These two previously approved tobacco stores are located at 22625 PCH. The applicant also provided the required State Tobacco Retailer's License Approval from the state approving the retail sale of tobacco products in the subject property (Attachment 7). This is part of the requirements pursuant to MMC Chapter 5.42 which outlines the requirements to complete a tobacco retailer registration with the city.

Permit Requirements

The question before the Planning Commission is whether the proposed use is similar to and not more objectionable than the permitted uses or conditionally permitted uses listed in the CC zone of the MMC and LCP, which includes residential services such as pharmacies, food market, hardware and garden supply stores, and service stations. If the Planning Commission determines that it is, the application will be treated as if the use were specifically listed as allowed in a CC zone.

Alternatively, the Planning Commission may also find that the proposed use is similar and not more objectionable than conditionally permitted uses in a CC zone or other commercial zones. Conditionally permitted uses in the CC zone include restaurants exceeding interior occupancy of 125, bars, live entertainment, service stations, provided no convenience market is included, cultural and artistic uses, such as museums, galleries, performing arts studios, health care facilities, recreational facilities such as equestrian training and boarding facilities, tennis and swim clubs, and golf driving ranges, residential care facilities for the elderly, neighborhood-serving construction services and public or private educational institutions. If found that a smoke shop is a conditionally permitted use in the CC zone, the proposed smoke shop would need to submit a Conditional Use Permit (CUP) application to establish whether the use is appropriate in the applicable commercial zone and surrounding properties.

If the Commission determines that it is not similar to or is more objectionable than the allowed CC uses, the applicant may apply for a zoning text amendment and an LCP amendment to request that the specific use be allowed.

The Zoning Ordinance cannot list every single type of use. Instead, it lists the commonly anticipated uses for each type of zoning district (Attachment 2). Uses not listed are prohibited, although a use not identified could be permitted by the Community Development Director if it is determined a use “to be of a similar nature to uses permitted” in the zone [MMC Sections 17.24.020 and 17.24.030]. Alternatively, MMC Section 17.04.050 provides the following:

> When a use is not specifically listed or is determined by the director not to be included in a general category of uses in the chapter defining uses permitted, it shall be assumed that such uses are prohibited unless it is determined by an action of the planning commission, following receipt of a recommendation from the director, and a public hearing, that the use is similar to and not more objectionable than the uses listed. A determination of similar use shall be processed in the same manner as provided in Chapter 17.74 of this title.

According to the MMC and LCP, the purpose of the CC zone is to provide for resident serving needs of the community similar to the Commercial Neighborhood (CN) district, but on parcels of land more suitable for concentrated commercial activity. The conditionally permitted uses listed in the MMC for the CN district (Attachment 2) include liquor stores

as a conditionally permitted use in a CC zone. Staff believes that a liquor store use poses similar age restrictions, hours of operation, and product licensing concerns as a smoke shop, and therefore could be considered a similar use.

Moreover, the Local Implementation Plan (LIP) permits a liquor store use in a CC zone (Attachment 8). In comparison to other jurisdictions, smoke shops have been frequently grouped with tobacco shop or convenience market as permitted uses in similar commercial zones, sometimes requiring additional conditions for approval.

City	Zoning	Permitted/ Restricted
City of Santa Monica	➢ CN-Commercial Neighborhood ➢ GC-General Commercial ➢ Mixed Use Districts	Permitted- with additional restrictions for approval
City of Hermosa Beach	➢ C-1-Neighborhood Commercial ➢ C-2-Downtown Commercial ➢ C-3-General Commercial	Permitted by right
City of Culver City	➢ All Commercial Zoning Districts	Permitted- with additional restrictions for approval

If the Planning Commission concludes that the use is similar and not more objectionable than other permitted or conditionally permitted uses under any commercial zone, the Planning Commission may adopt Resolution No. 26-47 or direct staff to bring back a resolution under consent calendar to memorialize their determination. If found that a smoke shop requires a CUP, staff will later bring back a CUP for consideration by the Commission.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in California Environmental Quality Act (CEQA), the Community Development Director 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 project is categorically exempt from the provisions of CEQA pursuant to Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not governed by CEQA, and CEQA does not apply. Any future development application proposing the subject use will be evaluated in accordance with CEQA for potential environmental impacts.

CORRESPONDENCE: As of publication of this report, no correspondence has been received by staff concerning the proposed project.

PUBLIC NOTICE: On September 3, 2026, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to property owners and occupants within a 500-foot radius of the subject property (Attachment 9).

SUMMARY: Following the public hearing, provide direction to staff regarding a resolution memorializing the determination of use.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-47
2. MMC Permitted Uses Table
3. Project Plans
4. Approved 2015 restriped Parking Plan
5. MMC Parking Requirement
6. Previously Approved Planning Clearances
7. State Tobacco Registration Approval
8. LIP Permitted Uses Table
9. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-47

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING DETERMINATION OF USE NO. 26-002, DETERMINING THAT A SMOKE SHOP USE IS SIMILAR TO, AND NOT MORE OBJECTIONABLE THAN, A LIQUOR STORE USE IN THE COMMUNITY COMMERCIAL ZONING DISTRICT, SUBJECT TO OBTAINING A CONDITIONAL USE PERMIT

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

SECTION 1. Recitals.

A. On August 19, 2026, Malibu Smoke Co. submitted an application for Determination of Use (DU) No. 26-002 to the Community Development Department for a determination of use pursuant to Malibu Municipal Code (MMC) Section 17.04.050. The application requests a determination that a smoke shop is similar to, and not more objectionable than, the permitted uses or conditionally permitted uses in the Community Commercial (CC) zoning district.

B. On August 25, 2026, staff deemed the application complete for processing.

C. After reviewing the application, the Community Development Director referred the matter to the Planning Commission pursuant to MMC Section 17.04.050.

D. On September 10, 2026, a Notice of Public Hearing was mailed to all property owners and occupants within a 500-foot radius of the subject property.

E. On October 5, 2026, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, staff presentation and 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 evaluated the determination of use and found its quasi-legislative decision on the determination of use to be exempt from review under CEQA. Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not governed by CEQA, and CEQA does not apply. Any future development application proposing the subject use will be evaluated in accordance with CEQA for potential environmental impacts. The Planning Commission hereby

determines that there is no possibility the decision on the determination of use application will have a significant effect on the environment and accordingly, the exemption set forth in CEQA Section 15061(b)(3) applies.

SECTION 3. Findings.

Based on evidence contained within the record and pursuant to MMC Section 17.04.050, the Planning Commission hereby makes the following findings of fact:

A. MMC Section 17.04.050 enables the City to determine a specific use is permitted in a zone even if the use is not expressly permitted, permitted subject to Director's review, or conditionally permitted (collectively "permitted") in a zone if it is similar to and not more objectionable than a permitted or conditionally permitted use.

B. The smoke shop is similar to, and not more objectionable than, a liquor store use, which is conditionally allowed in the CC zoning district. Similar permitted or conditionally permitted uses allowed in the CC zoning district include book stores, food markets, hardware/garden supply stores, liquor stores, plant nurseries, prescription pharmacies, stationary supplies, bakeries, barber shops/beauty salons, laundry/dry cleaners, miscellaneous services, banks/financial institutions, health care facilities, veterinary clinics, professional offices, bars, live entertainment, restaurants, vehicle washing/detailing, service stations, cultural and artistic uses (such as museums, galleries, performing arts venues), dance studios, golf driving ranges, health clubs, parks, beaches, playgrounds, public beach accessway, recreational facilities, sports courts (lighted), places of worship, day care and nursey schools, educational (non-profit) activities, emergency communication and service facilities, government facilities, public utility facilities, residential care facilities for the elderly, wireless telecommunications antennae and facilities, construction services, and self-storage.

C. The smoke shop would be visitor-serving for both visitors and residents and is expected to generate a similar parking demand as a liquor store. A liquor store poses similar concerns as a smoke shop in terms of regulatory requirements and age-based restrictions on sales.

D. Approval of the determination of use does not approve a specific project; rather, it allows an applicant to operate a smoke shop as a conditionally permitted use in the CC zoning district should all other requirements be met. An applicant would be required to submit an application for a conditional use permit from the City, at which time the specific merits and impacts will be evaluated to determine whether that project should be approved or denied.

E. On September 10, 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.

F. On October 5, 2026, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby determines that a smoke shop is a conditionally permitted use within the CC zone, subject to obtaining a conditional use permit.

SECTION 5. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 5th day of October 2026.

MARNI KAMINS, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

LOCAL APPEAL - Pursuant to MMC 17.04.220 (Appeal of Action), 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 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms and fee schedule may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, extension 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. 26-47 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 5th day of October 2026 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
REBECCA EVANS, Recording Secretary

17 Attachment 1

Appendix 1

PERMITTED USES TABLE

In the event of a conflict between the table and the text of Title 17, the text shall control.

KEY TO TABLE (In addition to a coastal development permit, MCUP, CUP, LFDC, & WTF permits are required pursuant to the Malibu Municipal Code where shown in this table.)	
P	Permitted use
MCUP	Requires the approval of a minor Conditional Use Permit by the Director
CUP	Requires the approval of a Conditional Use Permit
A	Permitted only as an accessory use to an otherwise permitted use
LFDC	Requires the approval of a Large Family Day Care permit
WTF	Requires the approval of a Wireless Telecommunications Facility
•	Not permitted (Prohibited)

USE	RR	SF	MF	MFBF	MH	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Agricultural employee housing, as an accessory use, animal related	A	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•
Agricultural employee housing, as an accessory use, crop related	A	A	CUP	•	•	•	•	•	•	•	•	•	•	•	•	•
One single-family residence per lot[28]	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Manufactured homes pursuant to Government Code § 65852.3	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar development[29]	•	•	CUP[30]	CUP[2,30]	•	•	•	•	P[31]	•	•	•	•	•	•	•
Second units pursuant to Government Code § 65852.2	A	A	A	A	•	•	•	•	•	•	•	•	•	•	•	•
Mobile home parks in existence as of March 28, 1991	•	•	•	•	P	•	•	•	•	•	•	•	•	•	•	•
Mobile home park accessory uses (including recreation facilities, meeting rooms, management offices, storage/maintenance buildings, and other similar uses)	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	•
Mobile home park modifications to number, layout, or density and public or common areas, except for repair and maintenance	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	•
Temporary mobile home as residence subject to § 17.40.040(A)(18)	P	P	P	MCUP	•	•	•	•	•	•	•	•	•	•	•	•
Accessory uses (guest units (750 sf max), garages, barns, pool houses, pools, spas, gazebos, storage sheds, greenhouses (non-commercial), sports courts (non-illuminated), corrals (non-commercial), and similar uses)	A	A	A	A[3]	•	•	•	•	•	•	•	•	•	•	•	•
Residential care facilities (serving 6 or fewer persons)	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•
Large residential care facilities (serving 7 or more persons)	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Small residential care facilities (serving 6 or fewer persons)	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Single Room Occupancy Facility	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Small family day care (serving 6 or fewer persons)	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•
Large family day care (serving 7 to 12 persons)	LFDC	LFDC	LFDC	•	•	•	•	•	•	•	•	•	•	•	•	•
Home occupations	P/MCUP[4]	P/MCUP[4]	P/MCUP[4]	P/MUP[4]	•	•	•	•	•	•	•	•	•	•	•	•
Domestic animals kept as pets or for personal use	A	A	A	A	A	•	•	•	•	•	•	•	•	•	•	•
Equestrian and hiking trails (public and private)	P[5]	P[5]	P[5]			P[5]	•							P[5]		
Equestrian riding and training facilities and activities including boarding of horses and domestic animals, tournaments, shows and contests (including accessory uses such as	•	•	•	•	•	CUP	•		•	•	•	•	•	•	•	•

ATTACHMENT 2

USE	RR	SF	MF	MFBF	MH	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
club house with food and beverage service, pro shop, tack shop, riding rings, boarding/training/show facilities, barns, parking lots, sports courts, and living accommodations for members, their guests, participants, employees and persons required for the operation and maintenance of such facilities)																
Grazing of cattle, horses, sheep or goats, including the supplemental feeding of such animals	P[7]	•	•	•	•	CUP[7]	•	•	•	•	•	•	•	CUP[6]	•	•
Raising of horses, sheep, goats, donkeys, mules and other equine cattle for personal use	A[8]	A[8]					•									
Raising of horses and other equine, cattle, sheep and goats, including the breeding and training of such animals	P[9]	•	•	•	•	CUP[9]	•	•	•	•	•	•	•	CUP[6]	•	•
Boarding of horses as a commercial use	MCUP[10]	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Raising of hogs or pigs	P[11]	•	•	•	•	CUP[11]	•	•	•	•	•	•	•	•	•	•
Raising of poultry, fowl, birds, rabbits, fish, bees and other animals of comparable nature provided the parcel is 1 acre in size	P	•	•	•	•	CUP	•	•	•	•	•	•	•	CUP[6]	•	•
Greenhouses (noncommercial) on lots of at least 1 acre	P	•	•	•	•	CUP	•	•	•	•	•	•	•	CUP[6]	•	•
Raising of crops (field, tree, bush, berry row, nursery stock, etc.) provided no retail sale from the premises	A	A	•	•	•	•	•	•	•	•	•	•	•	CUP[6]	•	•
Horticultural related activities	•	•	CUP	•	•	•	•	•	•	•	•	•	•	•	•	•
Wildlife preserves	•	•	•	•	•	P	•	•	•	•	•	•	•	•	•	•
Book stores	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Convenience stores	•	•	•	•	•	•	•	•	•	CUP	CUP	CUP	•	•	•	•
Food markets	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Hardware, garden supply stores	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Liquor stores	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Plant nurseries	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Pharmacies	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Stationery supplies	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Retail sales of recreational equipment and clothing, souvenirs, and similar uses	•	•	•	•	•	•	•	•	P	P	P	P	•	•	•	•
Bakeries (no on-site seating)	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Barber shops, beauty salons	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Laundry, dry cleaners	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Miscellaneous services including travel agencies, photocopy services, photographic processing and supplies, mailing services, appliance repair, and similar uses	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Banks, financial institutions	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Health care facilities	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	CUP	•	•
Medical, dental, and physical therapy offices	•	•	•	•	•	•	•	•	P	P	P	P	•	•	•	•
Professional offices	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Veterinary hospital	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Bars	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Professional offices	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Live entertainment	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Movie theaters	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Refreshment stands, ice cream stands, and other fixed location outdoor food vending stands	•	•	•	•	•	•	•	•	•	CUP	CUP	CUP	•	•	•	•
Restaurants	•	•	•	•	•	•	•	CUP[12]	CUP[13]	CUP[13]	CUP[13]	CUP[13]	•	•	•	•

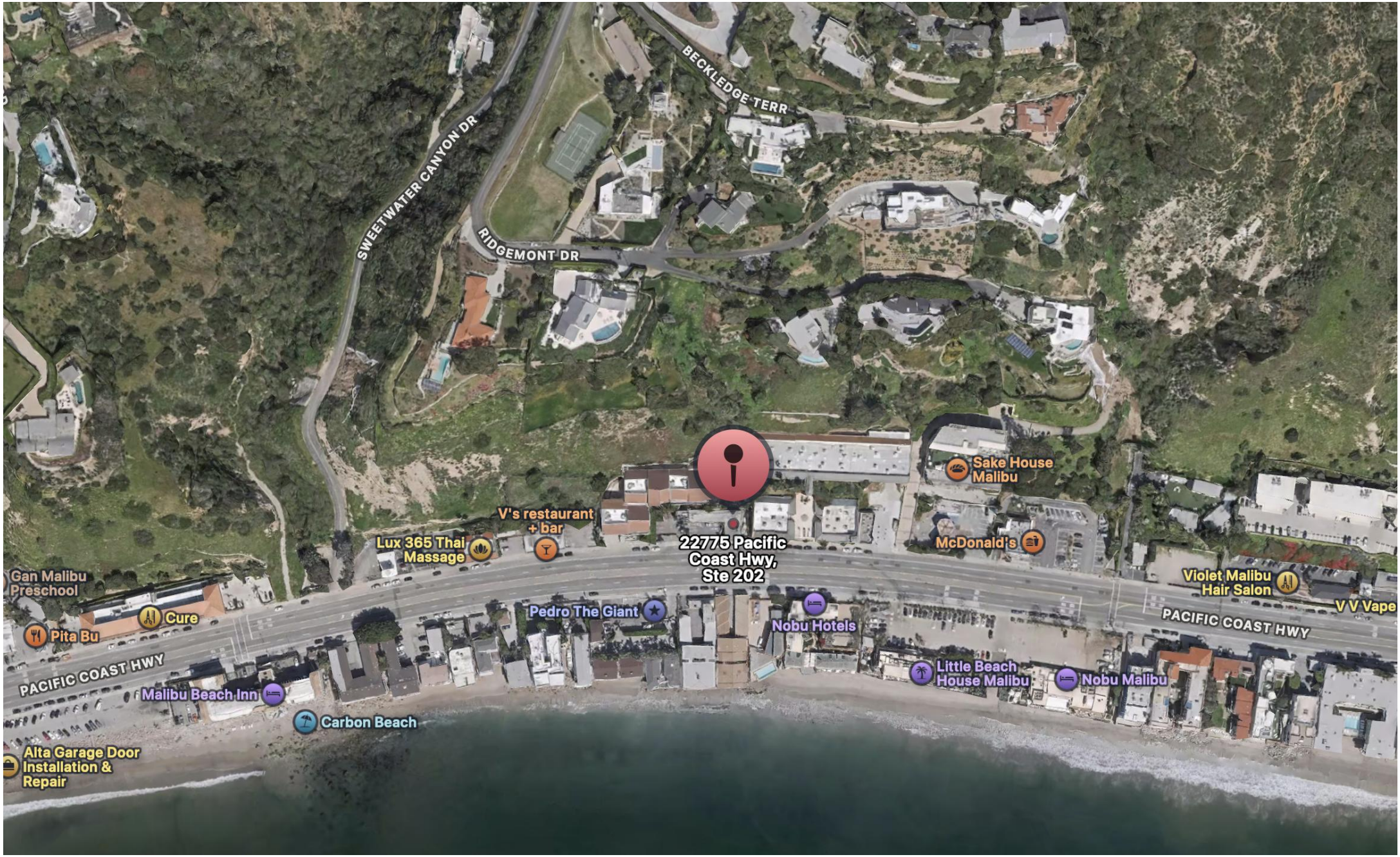
USE	RR	SF	MF	MFBF	MH	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Vehicle washing/detailing	•	•	•	•	•	•	•	CUP[14]	CUP[14]			CUP	•	•	•	•
Service stations (without convenience market)	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Towing and automobile storage	•	•	•	•	•	•	•	•	•	•	•	CUP	•	CUP	•	•
Community stage theaters	CUP[15]	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Cultural and artistic uses (such as museums, galleries, performing arts venues)	•	•	•	•	•	CUP	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Dance studios	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Emergency Shelters	•	•	•	•	•	•	•	•	•	•	•	P	•	P	•	•
Health clubs	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Hotels	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•	•
Motels and bed and breakfast inns	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•	•	•
Parks and playgrounds	•	•	CUP	CUP	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Public parks, beaches, and playgrounds	•	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•
Recreation facilities (swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts and similar uses)	•	•	•	•	•	P	•	•	•	•	•	•	•	P[16]/ CUP	•	•
Recreational facilities (private) whose members receive membership through deeded rights, property rights, or membership	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•
Recreation facilities (neighborhood - for use by surrounding residents and operated by a non-profit corporation or neighborhood association for non-commercial purposes)	•	•	CUP	CUP	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Recreation facilities (neighborhood - for use by surrounding residents)		CUP					•									
Recreational facilities such as equestrian training and boarding facilities tennis and swim clubs and golf driving ranges	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Recreational vehicle parks	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	P
Sports courts (lighted)	CUP	CUP	CUP	CUP	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Sports fields (lighted)	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP[17]	•	•
Charitable, philanthropic activities and educational (non-profit) activities	•	•	•	•	•	•	•	P[18]	P[18]	P[18]	P[18]	P[18]	•	CUP	•	•
Churches, temples, and other places of worship	•	•	CUP	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	CUP	•	•
Community centers	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Day care facilities, nursery schools	CUP	CUP	CUP	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	CUP	•	•
Educational institutions (public or private)	•	•	•	•	•	•	•	•	CUP[19]	•	•	•	•	CUP	•	•
Emergency communication and service facilities	•	CUP	CUP	CUP	CUP	CUP	•	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Communication Facilities	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Farmers' markets operated by a nonprofit charitable organization	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Helipad sites	CUP[20]	•	•	•	•	•	•	•	•	•	•	•	•	CUP[21]	•	•
Government facilities, including police and fire stations	•	•	CUP	•	•	•	•	P	P	P	P	P	•	P	•	•
Libraries, museums	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Maintenance yards	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Public utility facilities	CUP	CUP	CUP	CUP	•	•	•	CUP	CUP	CUP	CUP	CUP	CUP[22]	CUP	•	•
Research institutions	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Residential care facilities for the elderly	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	CUP[23]	•	•
Wastewater storage and hauling	•	•	•	•	•	•	•	•	•	•	CUP[24]	CUP	•	•	•	•
Wireless telecommunications antennae and facilities subject to Ch. 17.46	SPR/CUP[25]	•	•	•	•	SPR	•	SPR	SPR	SPR	SPR	SPR	SPR/CUP[25]	SPR	SPR	SPR/CUP[25]
Construction services (neighborhood-serving)	•	•	•	•	•	•	•	•	CUP	•	•	CUP	•	•	•	•
Manufacturing, processing, or treatment of products	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•

USE	RR	SF	MF	MFBF	MH	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Masonry supplies	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Sculptural and metal art activities	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Research and development, testing facilities	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Self-storage	•	•	•	•	•	•	•	CUP[26]	CUP[26]	CUP[26]	CUP[26]	CUP[26]	•	•	•	•
Wholesale, storage, and distribution	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Light industrial uses	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Uses permitted by right that operate between the hours of 11:00 p.m. to 7:00 a.m.	•	•	•	•	•	•	•	MCUP	P	P	P	P	•	•	•	•
Medical marijuana and/or retailer-storefront facilities	•	•	•	•	•	•	•	CUP[27]	CUP[27]	CUP[27]	CUP[27]	CUP[27]	•	•	•	•
New or the expansion over 500 sf of multifamily residential use including duplexes, condominiums, stock cooperatives, apartments and other similar developments	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	•	•
Expansion up to 500 sf of existing buildings provided the expansion conforms to Ch. 17.40	•	•	•	P	•	•	•	P	P	P	P	P	•	•	P	P
Any use permitted in § 17.26.020 in an existing commercial structure	•	•	•	•	•	•	•	MCUP	MCUP	MCUP	MCUP	MCUP	•	•	•	•
Any use involving new construction or expansion over 500 sf	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	CUP
Routine maintenance of natural open space areas and existing facilities, provided no construction or grading activity occurs	•	•	•	•	•	P	•	•	•	1`•	•	•	•	•	•	•
Any proposed grading or construction related to proposed uses	•	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•
Temporary real estate and construction signs with new development activity	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Other uses determined by the planning director to be of a similar nature to permitted uses	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•

Notes:

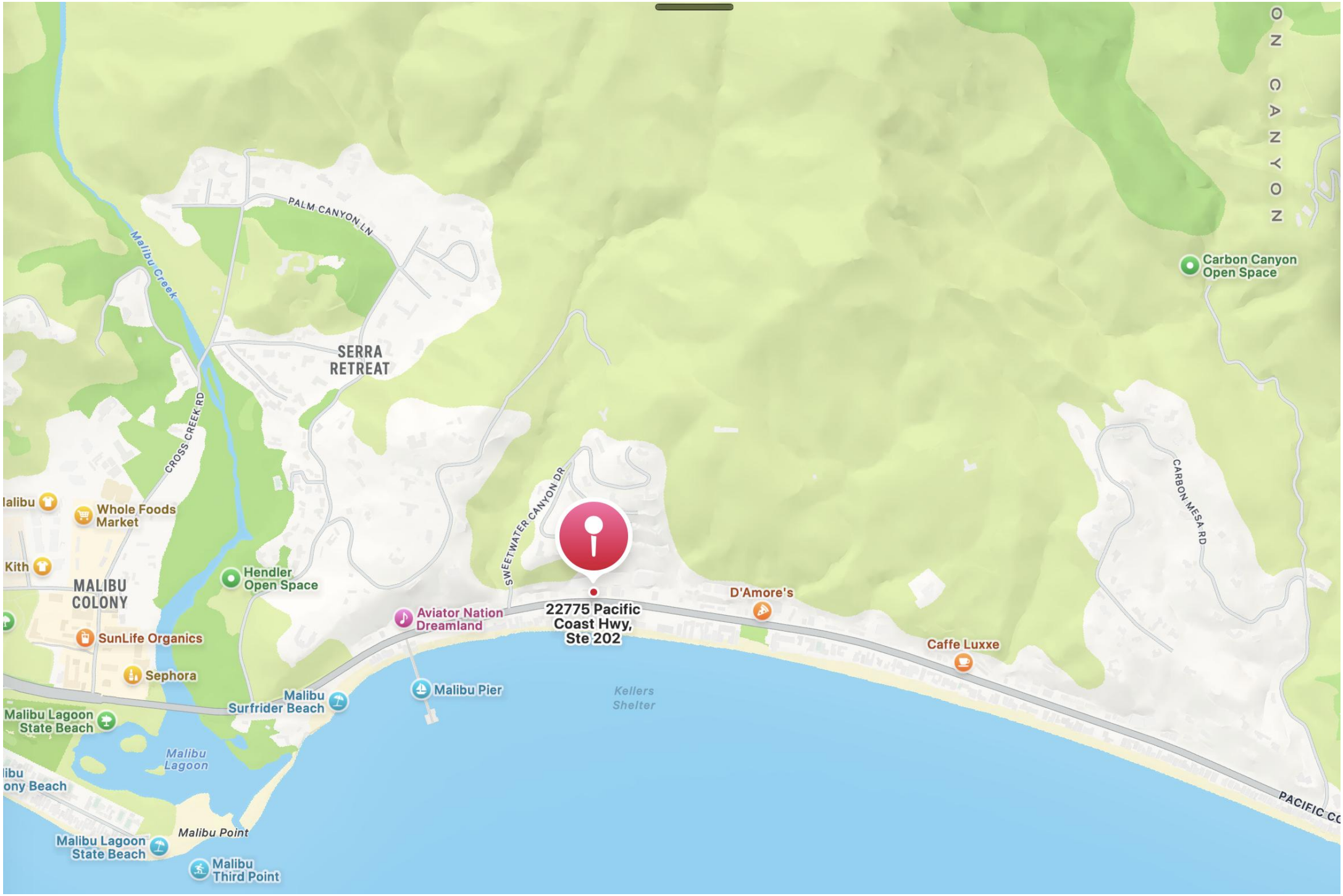
1. One single-family residence in conjunction with an institutional use and consistent with the provisions of Chapter 17.08.
2. Includes the expansion of over 500 sq. ft. of existing multiple family structures.
3. Barns and corrals not allowed.
4. Subject to Home Occupation Standards Section 17.40.040(A)(19).
5. Public and private hiking trails in CR and I zones and private hiking trails in RR, SF, and MF zones.
6. Accessory uses when part of an educational or non-profit (non-commercial) use.
7. Subject to Section 17.08.020 (D)(2) for RR zone and Section 17.18.030(B)(2) for CR zone.
8. Subject to Section 17.08.020 (C)(5)for RR zone and Section 17.10.020(C)(5) for SF zone.
9. Subject to Section 17.08.020 (D)(1) for RR zone and Section 17.18.030(B)(1) for CR zone.
10. Subject to Section 17.08.030 (B), except that the minimum area required shall be 5 acres.
11. Subject to Section 17.08.020(D)(4) for RR zone and Section 17.18.030(B)(5) for CR zone.
12. Maximum interior occupancy of 125 persons.
13. If exceeding interior occupancy of 125 persons.
14. By hand only.
15. Subject to Section 17.08.040(F).
16. Subject to provisions of Section 17.34.030 when a facility is located within a side or rear yard adjacent to a residentially-zoned parcel.
17. Sports field lighting shall be limited to the main sports field at Malibu High School and subject to the standards of LIP Sections 4.6.2 and 6.5(G).
18. Charitable, philanthropic, or educational non-profit activities shall be limited to permanent uses that occur within an enclosed building.
19. Subject to Section 17.26.030(A)(1).
20. Subject to Section 17.08.040(C).
21. Limited to public agency use only (not for private use).
22. Conditionally permitted only when facilities are ancillary to the Civic Center Wastewater Treatment Facility, including, but not limited to, injection wells, generators, and pump stations.
23. Residential care facilities for the elderly are limited to operation by a non-profit only.
24. This use is conditionally permitted in the Civic Center Wastewater Treatment Facility Institutional Overlay District and only when associated with the existing wastewater treatment facility or with the Civic Center Wastewater Treatment Facility.
25. CUP required unless located in public right-of-way.
26. Subject to Section 17.22.040(N).
27. Subject to Section 17.66.120.
28. Transitional and supportive housing is permitted in the same manner as one single-family residence and is subject to all the restrictions that apply to single family residential uses.
29. Transitional and supportive housing is permitted in the same manner as a multifamily residential use and is subject to all the restrictions that apply to multifamily residential uses.
30. Multifamily development associated with an affordable housing development project is permitted by right.
31. Multifamily development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (APNs 4458-022-023 and 4458-022-024 only), in compliance with Section 3.4.5 of the LIP.

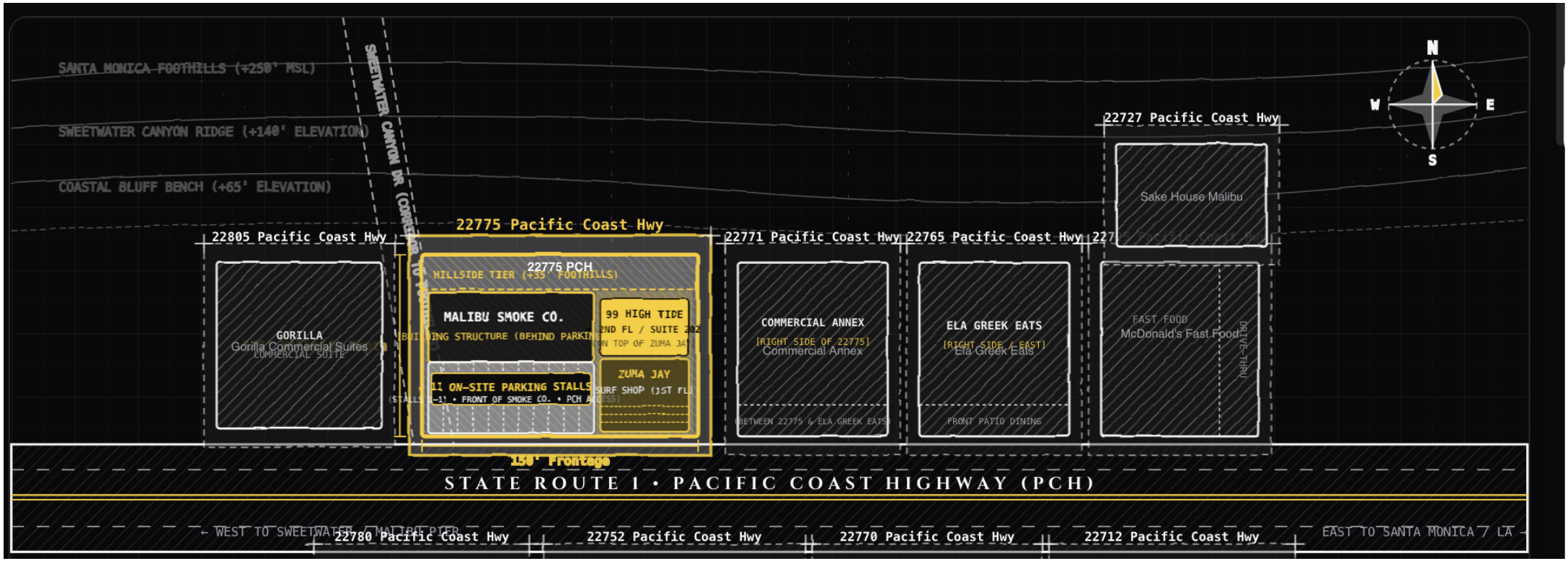
(Ord. 449 § 8, 2019; Ord. 431 § 4, 2018)

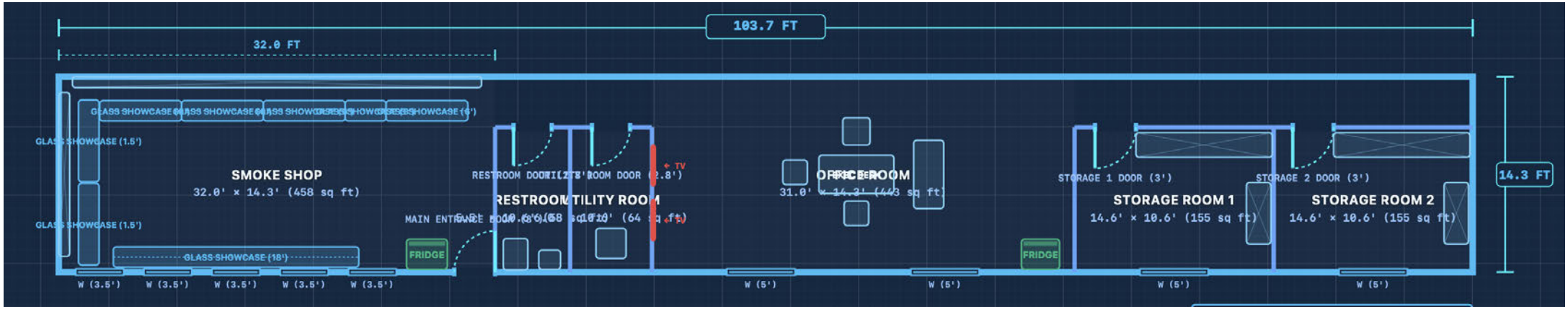


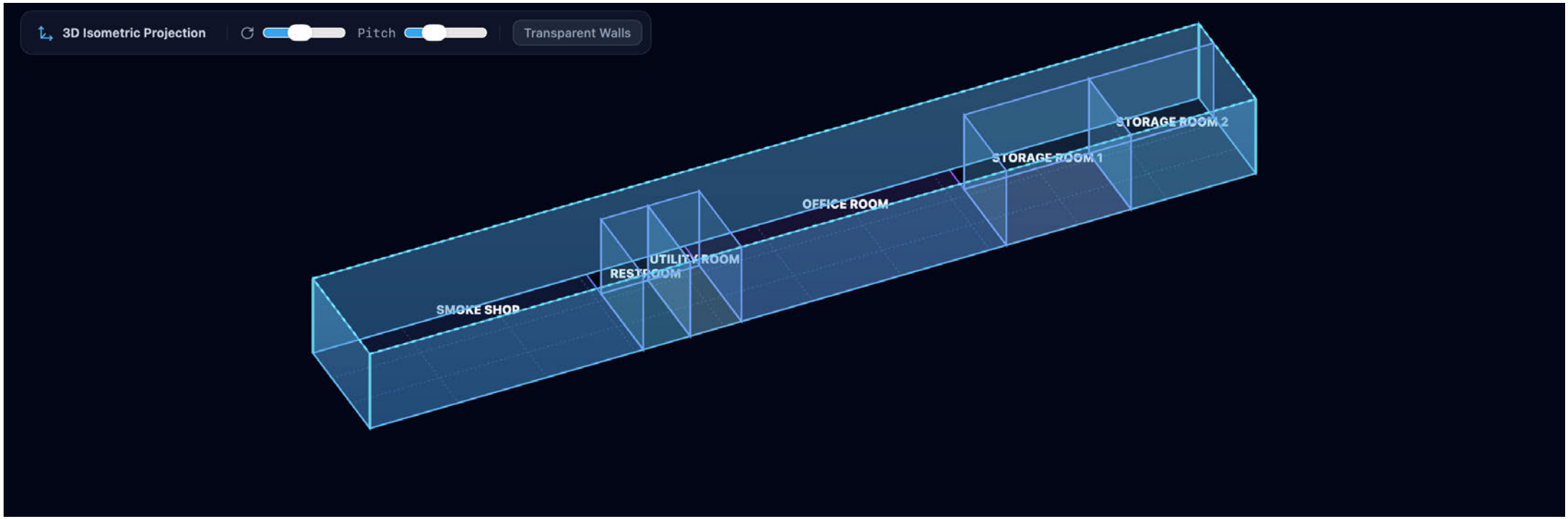
ATTACHMENT 3

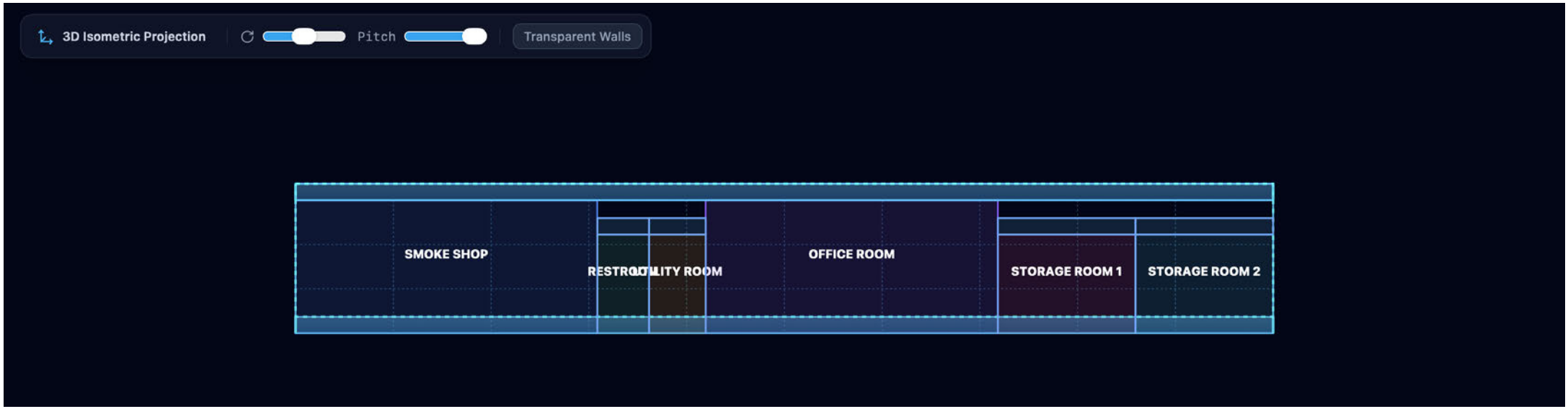

Santa Monica
NOBU Malibu
Little Beach House Malibu
22775 Pacific Coast Hwy
NOBU Ryokan
Pacific Coast Hwy

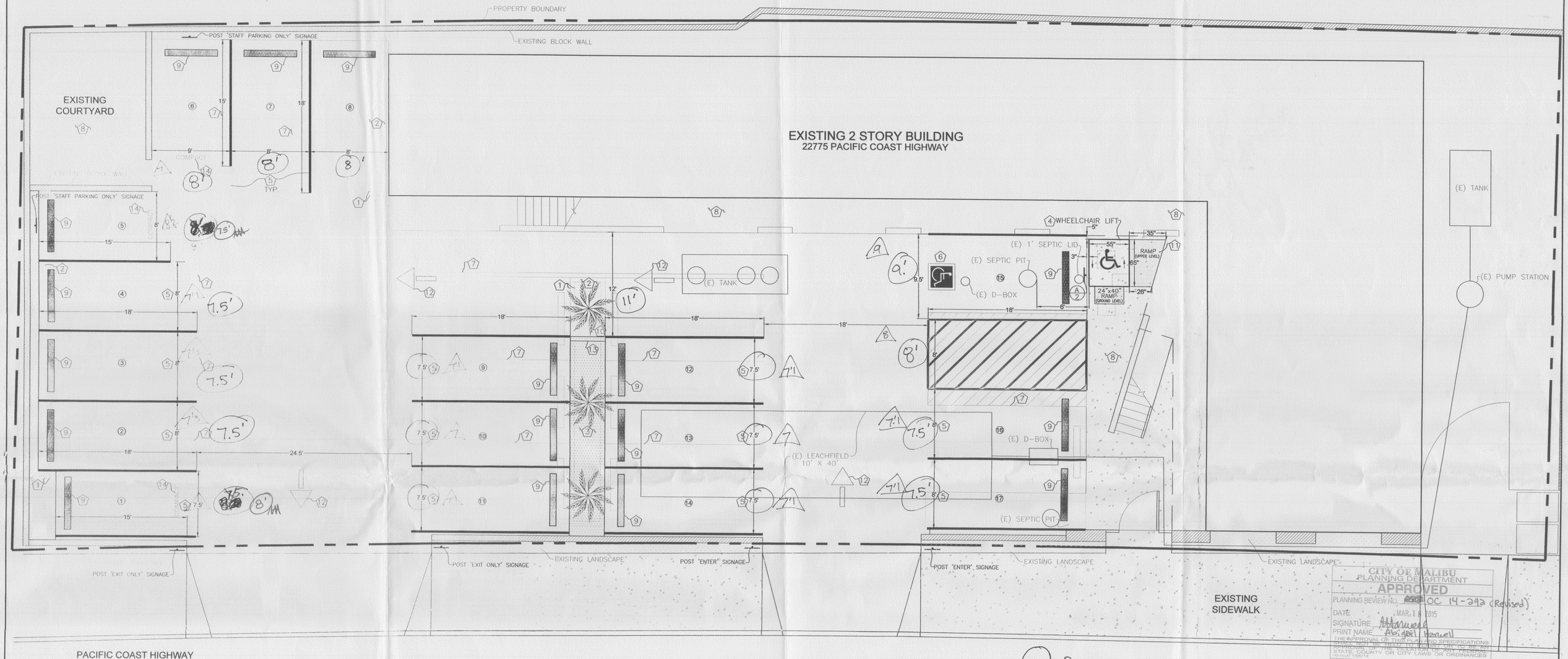

PALM CANYON LN
Malibu Creek
SERRA RETREAT
CROSS CREEK RD
SWEETWATER CANYON DR
CARBON MESA RD
Carbon Canyon Open Space
Whole Foods Market
Kith
MALIBU COLONY
Hendler Open Space
SunLife Organics
Sephora
Aviator Nation Dreamland
22775 Pacific Coast Hwy, Ste 202
D'Amore's
Caffe Luxxe
Malibu Pier
Malibu Surfrider Beach
Keller's Shelter
Malibu Lagoon State Beach
Malibu Lagoon
Malibu Point
Malibu Lagoon State Beach
Malibu Third Point
PACIFIC


SANTA MONICA FOOTHILLS (+250' MSL)
SWEETWATER CANYON RIDGE (+140' ELEVATION)
COASTAL BLUFF BENCH (+65' ELEVATION)
SWEETWATER CANYON DR (CORRIDOR)
N
W
E
S
22805 Pacific Coast Hwy
22775 Pacific Coast Hwy
22771 Pacific Coast Hwy
22765 Pacific Coast Hwy
22727 Pacific Coast Hwy
Sake House Malibu
GORILLA
Gorilla Commercial Suites
COMMERCIAL SUITE
22775 PCH
HILLSIDE TIER (+35' FOOTHILLS)
MALIBU SMOKE CO.
99 HIGH TIDE
2ND FL / SUITE 202
ON TOP OF ZUMA JAY
BUILDING STRUCTURE (BEHIND PARKING)
11 ON-SITE PARKING STALLS
-11' • FRONT OF SMOKE CO. • PCH ACCESS)
ZUMA JAY
SURF SHOP (1ST FL)
150' Frontage
COMMERCIAL ANNEX
[RIGHT SIDE OF 22775]
Commercial Annex
(BETWEEN 22775 & ELA GREEK EATS)
ELA GREEK EATS
[RIGHT SIDE / EAST]
Ela Greek Eats
FRONT PATIO DINING
FAST FOOD
McDonald's Fast Food
DRIVE-THRU
STATE ROUTE 1 • PACIFIC COAST HIGHWAY (PCH)
← WEST TO SWEETWATER / MALIBU PIER
22780 Pacific Coast Hwy
22752 Pacific Coast Hwy
22770 Pacific Coast Hwy
22712 Pacific Coast Hwy
EAST TO SANTA MONICA / LA →


103.7 FT
32.0 FT
GLASS SHOWCASE (1.5')
GLASS SHOWCASE (1.5')
GLASS SHOWCASE (18')
SMOKE SHOP
32.0' × 14.3' (458 sq ft)
FRIDGE
MAIN ENTRANCE DOOR (3')
RESTROOM DOOR (2.8')
UTILITY ROOM
TV
OFFICE ROOM
31.0' × 14.3' (443 sq ft)
FRIDGE
STORAGE 1 DOOR (3')
STORAGE 2 DOOR (3')
STORAGE ROOM 1
14.6' × 10.6' (155 sq ft)
STORAGE ROOM 2
14.6' × 10.6' (155 sq ft)
14.3 FT
W (3.5')
W (3.5')
W (3.5')
W (3.5')
W (3.5')
W (5')
W (5')
W (5')
W (5')


3D Isometric Projection
Pitch
Transparent Walls
STORAGE ROOM 2
STORAGE ROOM 1
OFFICE ROOM
UTILITY ROOM
RESTROOM
SMOKE SHOP


3D Isometric Projection
Pitch
Transparent Walls
SMOKE SHOP
RESTROOM
UTILITY ROOM
OFFICE ROOM
STORAGE ROOM 1
STORAGE ROOM 2



CITY OF MALIBU
PLANNING DEPARTMENT
APPROVED
PLANNING REVIEW NO. OC 14-292 (Revised)
DATE MAR. 18 2015
SIGNATURE
PRINT NAME Adrian Fernell
THE APPROVAL OF THIS PLAN AND SPECIFICATIONS SHALL NOT BE HELD TO PERMIT OR TO BE AN APPROVAL OF THE VIOLATION OF ANY FEDERAL, STATE, COUNTY OR CITY LAWS OR ORDINANCES

CITY OF MALIBU
PUBLIC WORKS DEPARTMENT
APPROVED
SIGNATURE DATE 3.18.15
THE APPROVAL OF THIS PLAN AND SPECIFICATIONS SHALL NOT BE HELD TO PERMIT OR TO BE AN APPROVAL OF THE VIOLATION OF ANY FEDERAL, STATE, COUNTY OR CITY LAWS OR ORDINANCES.

This is a revision to the previous parking plan dated 1/7/15 to better comply with ccc plan approved 8-3-88.
AMcDonnell

NOTE: THESE PLANS WERE CREATED FROM AS BUILT DRAWINGS AND CITY RECORDS. RJR PERFORMED SPOT MEASUREMENTS ON DECEMBER 29, 2014 TO VERIFY CRITICAL LOCATIONS. ALL SITE DIMENSIONS, LOCATIONS, ETC SHOULD BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. VARIATIONS BETWEEN FIELD CONDITIONS AND THE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE PROJECT ENGINEER SO TIMELY ALTERATIONS CAN BE MADE.

NOTE:
THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES OR STRUCTURE SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF THE AVAILABLE RECORDS TO THE BEST OF OUR KNOWLEDGE. THE CONTRACTOR IS REQUIRED TO TAKE OUR PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES AND ANY OTHER LINES NOT OF RECORD OR NOT SHOWN ON THIS DRAWING. PRIOR TO EXCAVATION THE CONTRACTOR SHALL CALL TOLL FREE (800) 422-4133 TO VERIFY THE UNDERGROUND LOCATION OF GAS AND TELEPHONE LINES. IT SHALL BE THE OWNER AND CONTRACTORS SOLE RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO START OF CONSTRUCTION AND VERIFY THE EXISTENCE OF KNOWN AND UNKNOWN LINES.

UNDERGROUND SERVICE ALERT
Call: Toll FREE
1 - 800
422-4133
TWO WORKING DAYS BEFORE YOU DIG
CAUTION: Remember that the USA Center notifies only those utilities belonging to the center. There could be other utilities present at the work site. The center will inform you of whom they will notify.

GENERAL NOTES

1. ALL EXISTING BUILDING, HARDSCAPE AND LANDSCAPE DIMENSIONS, ELEVATIONS AND LOCATIONS ARE PER THE PROJECT SURVEY PLANS.
2. THE LOCATION/DIMESNIONS OF EXISTING SEPTIC SYSTEM INCLUDING PITS, TANKS, LEACH FIELDS, LINES AND ALL OTHER ASSOCIATED FACILITIES ARE ESTIMATED BASED ON THE PROVIDED DRAWINGS. THE LOCATION OF THE ABOVE FACILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO THE BEGINNING OF CONSTRUCTION.
3. RJR MAKES NO ASSUMPTIONS IN REGARDS TO THE STRENGTH, STABILITY OR CONDITION OF THE EXISTING SEPTIC FACILITIES AS PART OF THIS PLAN.
4. THE LOCATION OF UNDERGROUND UTILITIES AND DRAINAGE DEVICES ARE NOT PART OF THIS PLAN AND SHALL BE VERIFIED BY OTHERS PRIOR TO CONSTRUCTION.
5. ALL PROPERTY BOUNDARIES, EASEMENTS AND RIGHT OF WAYS ARE PER THE PROJECT SURVEY PLANS.

REFERENCE DRAWINGS

THE FOLLOWING DRAWINGS AND SITE DATA WERE PROVIDED TO RJR AS REFERENCE:

1. SITE PLAN, HAYNE ARCHITECTS, 4-17-2014 (pdf)
2. ONSITE WASTEWATER TREATMENT SYSTEM AS-BUILT PLAN (NTS), MOSSER PLUMBING, 7-23-2003 (pdf)
3. PROPOSED PARKING LAYOUT SKETCH, CLIENT PROVIDED, UNDATED (pdf)
4. WHEELCHAIR LIFT PLANS, HARMAR, 12-11-2014 (pdf)

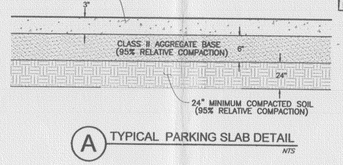
LEGEND

- (#) PARKING STALL NUMBER (FOR REFERENCE ONLY)
- PROPOSED SIGN
- EXISTING CONCRETE
- PROPOSED LANDSCAPING
- PROPOSED ASPHALT

CONSTRUCTION NOTES

1. SAWCUT, REMOVE AND DISPOSE OF EXISTING HARDSCAPE FEATURE.
2. INSTALL PARKING LOT SECTION (3" A.C. ON 6" BASE). COMPACT UPPER 24" OF SOIL TO 95% COMPACTION PRIOR TO PLACEMENT OF AGGREGATE BASE. COMPACT BASE SECTION TO 95% COMPACTION. SEE DETAIL 'A' HEREON.
3. LANDSCAPE PLANTER TO REMAIN.
4. INSTALL WHEELCHAIR LIFT. (HARMAR WHEELCHAIR LIFT OR APPROVED EQUAL) DETAILS PER SEPARATE PLAN AND PERMIT. CONCRETE SLAB PER MANUFACTURER SPECIFICATIONS.
5. APPLY NEW 4" WIDE PARKING STALL PAINT AS SHOWN ON PLANS. CONTRACTOR TO FOLLOW GOOD HOUSEKEEPING AND BEST MANAGEMENT PRACTICE (BMP) RULES. PARKING LOT SHALL BE CLEANED ACCORDING TO PAINT MANUFACTURER SPECIFICATIONS. ANY PRESSURE WASHING ACTIVITIES SHALL ADHERE TO CURRENT BMP REQUIREMENTS AND PREVENT OFFSITE RUNOFF.
6. APPLY HANDICAP PARKING STALL PAINT PER DETAIL A/2 & C/2. PARKING LOT SHALL BE CLEANED ACCORDING TO PAINT MANUFACTURER SPECIFICATIONS. ANY PRESSURE WASHING ACTIVITIES SHALL ADHERE TO CURRENT BMP REQUIREMENTS AND PREVENT OFFSITE RUNOFF.
7. BLACK OUT EXISTING PARKING STALL PAINT AS SHOWN. NEW STALL MARKINGS SHALL BE APPLIED PER PLAN.
8. EXISTING HARDSCAPE TO REMAIN.
9. INSTALL WHEEL STOPS PER DETAIL D/2
10. EXISTING TREE TO BE REMOVED.
11. CUT AND REMOVE WALL FOR 34" CLEAR LIFT OPENING. EXPOSED WALL ENDS TO BE FINISHED TO MATCH EXISTING. SEE WHEELCHAIR LIFT PLANS FOR CONNECTION DETAILS.
12. APPLY 60" DIRECTIONAL PAINTED ARROW (WHITE) PER PLAN.
13. INSTALL 4" CONCRETE CURB PER SPPWC 120-1 (C1-150) MODIFIED TO 4".
14. INSTALL PAINTED "COMPACT" MARKINGS AS SHOWN.

○ - Proposed
△ - currently striped @



A TYPICAL PARKING SLAB DETAIL
NTS

GRAPHIC SCALE
0 1" 2" 3"
0 2.5 5 10 15
1" = 5'
(IN FEET)

ROBERT W. ANDERSON
C-58383
EXP. 12-31-14
CIVIL
STATE OF CALIFORNIA

NO.	DESCRIPTION OF REVISION	BY	APP.	DATE
D				
C				
B				
A				

Prepared by:
RJR ENGINEERING GROUP
Planning · Civil Engineering · Flood Control/Hydrology
Geotechnical Engineering · Geology · Water Resources · Environmental
3500 Camino Ave, Ste. 200, Oxnard, CA 93030
(805) 485-3935 (805) 485-6486 FAX
E-mail: rjr@rjreng.com
C-58383 12-31-14 12-30-14
R.C.E. NO. EXP. DATE DATE

GPN: APN:
TRACT: LOT:
PROJ. NO. 6011.60 OWNER:

City of Malibu

RJR DWG. NO.
PROJ. NO. 6011.60

PARKING LOT STRIPPING PLAN
99 HIGH TIDE COLLECTIVE
22775 PACIFIC COAST HIGHWAY
MALIBU, CALIFORNIA

SHEET 1 OF 2
DRAWING NO.

ATTACHMENT 4

Title 17. Zoning

Chapter 17.48. OFF-STREET PARKING AND LOADING REQUIREMENTS

§ 17.48.030. Specific parking requirements.

Parking shall be provided in accordance with the list of uses under this section. Where the standards result in a fraction, the next larger whole number shall be the number of spaces required. For additions to existing development, the increased parking requirement shall be based only on the addition. A minimum of two spaces shall be provided for any use or development regardless of the size or scope of the use or development. The minimum size for a residential parking space shall be 18 feet long by 10 feet wide. If the specific use is not listed in the following table, the parking requirements listed in each zone district shall apply.

Parking Standards	
A. Residential Units.	
Emergency shelters	For each 10 adult beds, one space plus one additional space per employee on the largest shift.
Large residential care facility	For every two beds, one space and one space for every employee In addition, one off-street parking space for each outside employee shall be provided and maintained.
Multifamily units	For each efficiency dwelling unit, two spaces which (market rate) shall be either enclosed or covered. For each one-bedroom or two-bedroom unit, three spaces, two of which shall be enclosed. For each additional bedroom above two, one space which shall be enclosed or covered. Guest parking for each four units or fraction thereof, one space.
Multifamily units	For each efficiency or one-bedroom dwelling unit, (affordable) one space. For each two-bedroom or three-bedroom unit, two spaces, inclusive of guest parking. For each four-bedroom or larger unit, two and one-half spaces. Guest parking for each four units or fraction thereof, one space.
Single-room occupancy	For two units, one space inclusive of guest parking. Resident manager parking, two spaces.
Small residential care facility	For each facility, two enclosed and two unenclosed spaces.
B. Visitor-Serving Commercial Uses.	
Hotel	Two spaces for each room, plus one space for the average, per-shift number of employees, plus one space for each 100 square feet of gross floor area used for consumption of food or beverages, or public recreation areas, plus one

Parking Standards	
	space for each five fixed seats, or for every 35 square feet of assembly area where there are no fixed seats in meeting rooms or other assembly areas.
Motel or motor hotel	One space for each keyed room, plus one space for the average, per-shift number of employees
Boarding/lodging houses, student housing, dormitories, and fraternity/ sorority houses	Two spaces for each three guest rooms, plus two spaces for each dwelling unit. In dormitories, each 100 square feet of gross floor area shall be considered equivalent to one guest room.
C. Educational and Cultural Uses.	
Elementary and junior high	Two spaces for each classroom.
High school, including auditoriums and stadiums on the site	Seven spaces for each teaching station.
College or university, including auditoriums and stadiums on the site	.85 spaces for each full-time equivalent, less the number of space provided to serve on-campus housing facilities in accord with this schedule.
Business, professional or trade schools	One space for each faculty member or employee, plus one space for each three students based upon the maximum number of students attending classes at any one time during any 24-hour period.
Day nurseries and preschools	One space for each employee, plus one space for each five children or one space for each 10 children where a circular driveway is provided for the continuous flow of passenger vehicles (for the purpose of loading and unloading children) and which accommodates at least two such vehicles.
Libraries, museums, and art galleries	One space for each 250 square feet of gross floor area.
D. Places of Assemble and Recreational Uses.	
Theater, auditorium, arena or stadium, except when part of a school or institutional	One space for each three fixed seats or for every 21 square feet of seating area where there are not fixed seats, plus one space for each two employees.
Churches	One space for each three fixed seats or for every 21 square feet of seating area where there are no fixed seats.
Chapels, mortuaries or funeral homes	One space for each three fixed seats or for every 21 square feet of seating area where there are no fixed seats in the main chapel, plus one space for each 350 square feet of gross floor area outside the main chapel.
Dance halls, pool and billiard parlors, skating rinks, exhibition and assembly halls without fixed seats, community centers, health clubs, lodge and union halls	One space for each three persons allowed with the maximum occupancy load as established by local building code, or one space for each 72 square feet of gross floor area, whichever is greater, plus one space for each employee.
Bowling alley	Five spaces for each lane.
Golf driving range, public	One and one-half spaces for each 10 linear feet of driving range or one space per tee, whichever is greater.
Golf course, regulation, public	Eight spaces for each hole, plus one space for each employee.
Golf course, miniature or 3 par, public	Two spaces for each hole, plus one space for each employee.

Parking Standards	
Swimming pool, commercial	One space for each 100 square feet of water surface, plus one space for each employee, but not less than 10 spaces for any such use.
Tennis, handball, and racquetball courts, public	Two spaces for each court.
Private golf course, country club, swim club, tennis club, recreation center and other similar uses	One space for each four persons allowed within the maximum occupancy load as established by building code, plus one space for each two employees.
Stables	One space for every five horses.
E. Medical and Health Uses.	
Convalescent and nursing homes, homes for the aged, resthomes and sanitariums	One space for every four beds or One space for every dwelling unit, whichever is greater, plus one space for each employee.
Hospitals	One space for each two patient beds, plus One space for each employee.
Dental and medical offices or other similar uses	One space for each 150 square feet of gross floor area.
Veterinary hospitals and clinics	One space for each 300 square feet of gross floor area.
F. Office Uses.	
Commercial bank, savings and loan offices, other floor financial institutions, public or private utility office, mutual ticket agency, other similar window service offices	One space for each 225 square feet of gross floor area of the main non-bank uses within a bank structure shall provide parking pursuant to specific use guidelines.
General office and other business, technical service, administrative, or professional offices	One space for each 250 square feet of gross floor area.
G. Business and Commercial Uses.	
Beauty shop or barber shop	Three spaces for each of the first two beauty or barber chairs, plus one and one-half spaces for each additional chair.
Other personal service establishments, including cleaning or laundry agency or similar use	One space for each 250 square feet of gross floor area.
General retail stores, except as otherwise provided	One space for each 225 square feet of gross floor area.
Shopping centers	Five space for each 1,000 square feet of gross floor area within the center, or spaces as required for each individual use within the center. To qualify for the "shopping center" criteria (5/1000) a well balanced mixture of uses within the center must be demonstrated. Where there is an imbalance of high intensity uses, restaurants, theater, bowling alleys, billiard parlors, beauty schools and other such uses and/or long-term parking uses, parking calculations will be based totally or in part on an individual basis.
Food store, grocery store, supermarket, or similar use	One space for each 225 square feet of gross floor area.
Restaurants, night clubs, bars and similar establishments for the sale and	One space for each 50 square feet of service area.

Parking Standards	
consumption of food or beverages on the premises	
Drive-in and window service restaurants providing outdoor eating area or walk-up or drive-up window service	One space for each 50 square feet of gross floor area, but not less than 10 spaces for any such use. The above may be modified for walk-up facilities with no seating area (and beach-front walk-up seating) depending upon the particulars of the individual case.
Laundromats and coin operated cleaners	One space for each two machines.
Automobile service stations	Two spaces for each lubrication stall, rack, or pit, plus one space for each gasoline pump outlet.
Auto wash, except self-service	Reservoir (line-up) parking equal to five times the capacity of the auto wash. In determining capacity, each 20 linear feet of wash line shall equal one car length.
Auto wash, self-service	Five spaces for each two wash stalls.
Furniture store, appliance store, machinery rental or sales store (excluding motor vehicle rental or sales), and similar establishments which handle only bulky merchandise	One space for each 500 square feet of gross floor area, except floor area used exclusively for storage of loading, plus one space for each 500 square feet of outdoor sales, display or service area.
Commercial service, establishments, repair shops, motor vehicle repair garages, and similar establishments	One space for each 500 square feet of gross floor area, except floor area used exclusively for storage or loading, plus one space for each 500 square feet of outdoor sales, display or service area.
Automobile, truck, boat, trailer or similar vehicle shops, motor vehicle sales or rental establishment	One space for each 500 square feet of gross floor area, except floor area used exclusively for storage or loading, plus one space for each 1,000 square feet of outdoor sales, display or service area.
Wholesale establishments, mail order houses, printing and publishing establishments, and cartage or express facilities	One space for each 500 square feet of gross floor area, but not less than five spaces, plus one space for each employee.
Lumber yard	One space for each 500 square feet of gross floor area, plus one space for each 1,000 square feet of outdoor sales, display or service area, plus one space for each two employees.
Contractor's storage yard, salvage yard, junk yard, automobile wrecking yard	Five spaces, plus one space for each employee.
Retail plant nursery, garden shop including greenhouses or lathhouses, or similar outdoor sales and display	Five spaces, plus one space for each 500 square feet of outdoor sales, display or service area.
H. Manufacturing and Related Uses.	
Manufacturing or industrial establishment, including offices and other incidental operations on the same site	One space for each 350 square feet of gross floor area, but not less than three spaces for each four employees.
Laboratories and research establishments	One space for each 300 square feet of gross floor area, but not less than three spaces for each four employees.
Warehouses or storage building	One space for each one thousand square feet of gross floor area, but not less than one space for each employee.

Parking Standards	
Public utility facilities, including electric, gas, water, telephone, and telegraph, facilities not having business offices on the premises	One space for each employee, but not less than two spaces for each such facility.

(Prior code § 9332; Ord. 86 § 3, 1993; Ord. 93 § 57, 1993; Ord. 151 § 12, 1996; Ord. 179 § 7(2), 1998; Ord. 222 § 3(B), 2001; Ord. 449 § 8, 2019)

PC Application: 12-017

City of Malibu

23825 Stuart Ranch Road • Malibu, California 90265-4804
(310) 456-2489 • fax (310) 456-7650
www.malibucity.org

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PLANNING DEPARTMENT
COMMERCIAL PLANNING CLEARANCE

GENERAL INFORMATION

BUSINESS NAME: Smonkey 22625
ADDRESS AND TENANT # (If applicable): 22625 Pacific Coast Hwy Malibu CA 90265
BUSINESS PHONE #: 213-280-8282 BUSINESS FAX #:
BUSINESS EMAIL: [redacted]

APPLICANT / CONTACT: [redacted] Last: Kim
APPLICANT ADDRESS: [redacted] LA STATE: CA ZIP: 90057
APPLICANT PHONE #: [redacted] APPLICANT FAX #:
APPLICANT EMAIL: [redacted]

PROPERTY OWNER: First: Malibu Pacific Partners, LTD A California Limited Partnership. Last:
OWNER ADDRESS: P.O. Box 2613 CITY: Malibu STATE: CA ZIP: 90265
PROPERTY OWNER PHONE #: [redacted] PROPERTY OWNER FAX #: [redacted]
PROPERTY OWNER E-MAIL: None

BUSINESS INFORMATION – please prepare conceptual floor plan on page 3

1. BUSINESS TYPE: ☒RETAIL ☐SERVICE ☐FOOD SERVICE ☐OFFICE ☐INDUSTRIAL
   ☐OTHER:
2. ANTICIPATED OPENING DATE: Nov. 2012 or Dec 2012 HOURS OF OPERATION: 11HRS. 10-9pm
3. TOTAL # OF EMPLOYEES: 0 (owner only) SQUARE FOOTAGE OF LEASED AREA: 495 SQ. FT.
4. OUTDOOR STORAGE: ☒NO ☐YES *(If yes, explain)*:
5. FOR FOOD SERVICE, PROVIDE AREA FOR SERVICE SQUARE FOOTAGE: 0 SQ. FT.
6. NUMBER OF SEATS FOR CUSTOMERS: ☒INDOOR None ☒OUTDOOR None
7. ALCOHOL: ☒NONE ☐ONSITE CONSUMPTION ☐OFFSITE CONSUMPTION *(e.g., retail sales)*
8. TOBACCO: ☐NONE ☐ONSITE CONSUMPTION ☒OFFSITE CONSUMPTION *(e.g., retail sales)*
9. REQUIRED OFF-STREET PARKING: None *(refer to M.M.C. Chapter 17.48 for requirements)*
10. EXTERIOR ADDITIONS, DEMOLITION, AND/OR ALTERTATIONS TO THE BUILDING:
    ☒NO ☐YES *(If yes, explain and prepare a conceptual site plan on page 4)*:
11. INTERIOR ALTERATIONS, PLUMBING / MECHANICAL SYSTEMS TO BE ADDED, ALTERED, OR MOVED:
    (e.g., fixtures, wastewater, heating, air conditioning, etc.): ☒NO ☐YES *(If yes, provide a general description)*:
12. HANDLING, STORAGE, AND/OR USE OF HAZARDOUS MATERIALS/WASTE: ☒NO ☐YES *(If yes, provide a general description)*:
13. SIGNAGE: ☒NO ☐YES *(If yes, submit a sign permit application and review sign design requirements in M.M.C. Chapter 17.52)*
    Not yet.

ATTACHMENT 6

14. TOTAL SQUARE FEET OF SHOPPING CENTER / SERVICE CENTER (or building if not a shopping center / service center): approx. 3594

15. PREVIOUS USE OF THE TENANT SPACE: Mailbox rental and Shipping Store

16. DATE PREVIOUS BUSINESS CLOSED: about 7/31/12

17. TYPE OF BUILDING: ☐SINGLE TENANT ☒MULTI-TENANT ☐OTHER: _____

ADDITIONAL PERMITS

Approval of this Planning Clearance 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 Building and Safety Division 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 Title 17 (Zoning) 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 may relation to this proposed business.

Applicant Signature: _____ Date: 10-3-12

Property Owner Signature: _____ Date: 10/04/12

STAFF USE ONLY – DO NOT WRITE BELOW THIS LINE

1. ☒NEW BUSINESS ☐NAME CHANGE ONLY ☐SAME BUSINESS/ OWNERSHIP CHANGE
   ☐OTHER: _____
2. ZONE: _____ APN: _____
3. PERMITTED USE: ☒YES ☐NO *(If yes, a PC is required)*
4. CONDITIONALLY PERMITTED USE: ☐YES ☐NO *(If yes, a CUP is required)*
5. 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 UPGRAGE: ☐YES ☒NO *(If yes, CDP required)*

☒ PC ISSUED / NO. PCDP12-017 ☐ PC DENIED*

DATE APPROVED: 10-17-12 DATE DENIED. _____

PLANNER SIGNATURE: _____

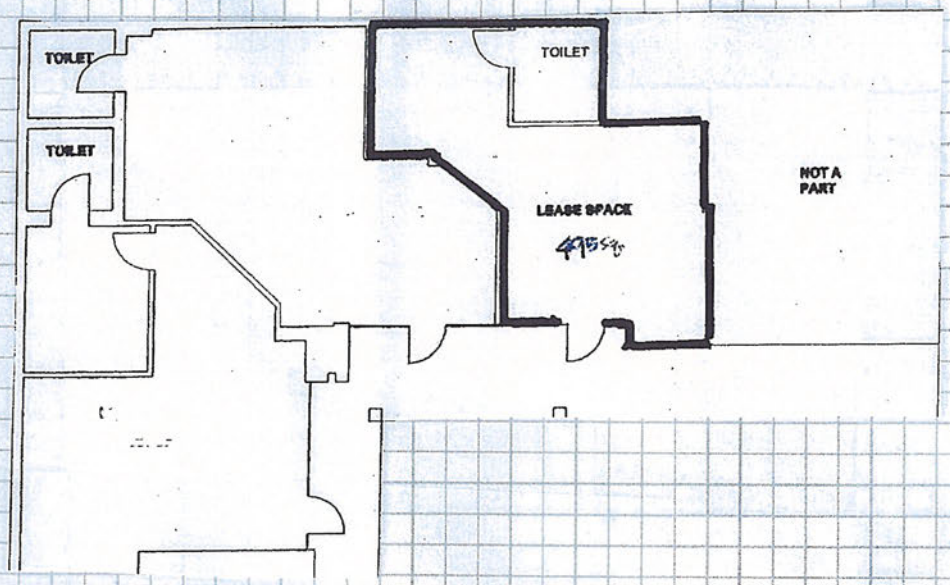
*REASON FOR DENIAL: _____

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

move forward with Building and Safety for T.I. after returning Affidavit. Apply for sign permit and apply for a tobacco Retail license.

Prepare the following and submit:

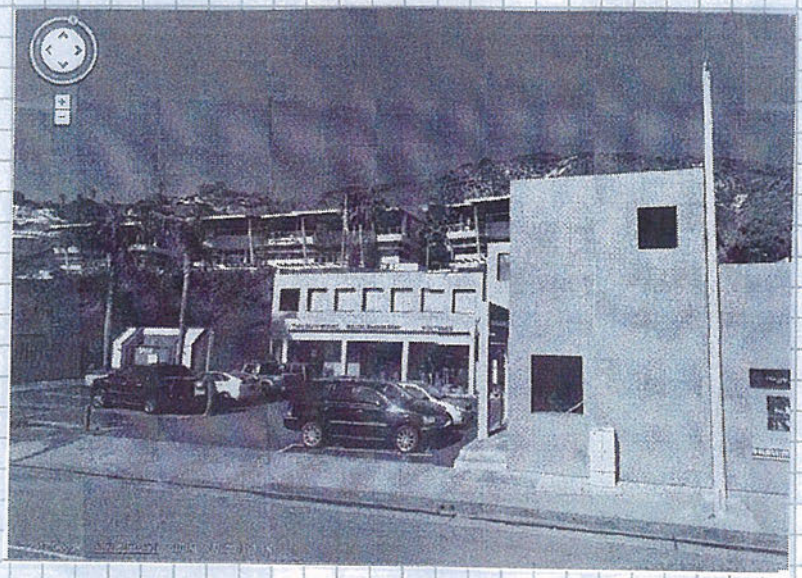
Conceptual Floor Plan



For any exterior changes to the building and/or site around the building, please prepare the following:

Conceptual Site Plan





City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

PLANNING CLEARANCE CONDITIONS OF APPROVAL

1. **Construction Hours**

   a. Per Malibu Municipal Code (M.M.C) 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.

2. **Noise**

   a. All noise is subject to the City's Noise Ordinance found in M.M.C. 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.

3. **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.

4. **Signs**

   a. All signs shall comply with M.M.C. Chapter 17.52. A sign permit is required unless specifically exempt under M.M.C. Section 17.52.050(D). To apply for a sign permit, submit a uniform application, letter of authorization, the review fee of ~~$99~~ $101, and 3 sets of plans.

5. **Alarm Permits**

   a. Per M.M.C. 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. There is an initial permit fee of $52; thereafter, each permit must be renewed annually and an annual fee of $31 will be required.

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 third false alarm in any consecutive 12-month period will be assessed at $227. Each false alarm thereafter will be assessed at $76 per instance. Repeated false alarms may result in revocation of the Alarm Permit. The penalties for operating an alarm system without a permit are contained in M.M.C. Section 8.08.160.

6. 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 M.M.C. 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.

7. 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 M.M.C. 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 M.M.C. 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 M.M.C. Section 9.34.020. Any business with an area subject to the prohibition set forth in M.M.C. 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.

8. Tobacco

a. Per M.M.C. Chapter 5.42, all merchants who sell tobacco, tobacco products, or tobacco parphernalia shall register with the City. The tobacco registation 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.

9. 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.

10. Polystyrene Food Packaging (Styrofoam)

a. Per M.M.C. 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.

11. Special Conditions

a. _____

_____

b. _____

_____

c. _____

_____

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** 12.017 for the business located at 22625 Pacific Coast Highway.

10/23/2012
Date

Signature of Applicant

Ki min Kim
Print Applicant's Name

Date

Signature of Property Owner/Manager

Print Property Owner/ Manager's Name

PC No. 17 - 026

City of Malibu

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RECEIVED
AUG 17 2017
PLANNING DEPT.

PLANNING CLEARANCE APPLICATION

General Information

PROPOSED PROPERTY ADDRESS: 22625 PCH (22625) Unit #. 22631
BUSINESS NAME: Malibu Cigar Club
BUSINESS ADDRESS: [redacted] CITY: Malibu STATE: CA ZIP: 90265
BUSINESS PHONE #: [redacted] BUSINESS EMAIL: [redacted]
APPLICANT / CONTACT: First: Richard Last: Loehr
APPLICANT ADDRESS: [redacted] CITY: Moorpark STATE: CA ZIP: 93021
APPLICANT PHONE #: [redacted] APPLICANT EMAIL: [redacted]
PROPERTY OWNER: Malibu Pacific Partners Ltd

Fees

☒ Planning Clearance $ 317 + 173 = 490
CREDIT CARD FEE (2.36%): $
TOTAL FEES: $

□ CASH
□ CREDIT CARD-AUTH. CODE:
□ CHECK #:

Business Information

1. **BUSINESS TYPE:** ☒ RETAIL ☐ MEDICAL ☐ FOOD SERVICE ☐ OFFICE ☐ INDUSTRIAL
   ☐ OTHER:
2. **PREVIOUS USE OF THE TENANT SPACE:** ☒ RETAIL ☐ MEDICAL ☐ FOOD SERVICE
   ☐ OFFICE ☐ INDUSTRIAL ☐ OTHER: VAPE SHOP
3. **PROPOSED BUSINESS:** ☒ NEW BUSINESS ☐ NAME CHANGE ONLY ☒ SAME BUSINESS/ OWNERSHIP CHANGE
   ☐ OTHER:
4. **BUSINESS DESCRIPTION (PROVIDE ADDITIONAL PAGES IF NECESSARY):**
   Cigar Club, Selling Cigars + Humidors
   Lighters, Cutters,

PC No. 17-026

5. **HOURS OF OPERATION:** 11am - 7pm **TOTAL # OF EMPLOYEES:** 1

6. **NEW OR REPLACED SIGNAGE:** ☒ YES ☐ NO

7. **NUMBER OF SEATS FOR CUSTOMERS (RESTURANT USE ONLY):**

☒ **INDOOR** [redacted] ☐ **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)*

Site Information

10. **ZONING:** CC **APN:** 4452-022-006

11. **TYPE OF DEVELOPMENT:** ☐ SINGLE BUILDING ☒ MULTI-TENANT ☐ OTHER: _____

12. **DATE PREVIOUS BUSINESS CLOSED:** _____

***PARKING WILL BE EVALUATED BY STAFF**

Formula Retail

Formula Retail Establishment if:
Question No. 14 is ten (10) or more, and Question No. 15 is YES

13. **IS THE BUSINESS ONE OF USES LISTED BELOW:** ☐ YES ☐ NO **-If yes, circle one below.**

→ **THESE USES EXEMPT ANYWHERE IN THE CITY**

a. Bank or financial service
b. Drug store/pharmacy
c. Gas station
d. Grocery
e. Insurance office
f. Low-cost overnight accommodations
g. Medical use
h. Movie theater
i. Postal service office
j. Real estate office

14. **NUMBER OF EXISTING, OPERATIONAL ESTABLISHMENTS WORLDWIDE FOR PROPOPOSED BUSINESS:** 1

15. **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
b. Standardized décor
c. Standardized façade
d. Uniform apparel
e. Standardized layout
f. Standardized signage, service mark or trademark
g. Standardized array of merchandise or menu

Formula Retail in Civic Center Commercial District

16. IS THE BUSINESS A FORMULA RETAIL ESTABLISHMENT*: ☐ YES ☒ NO
IF YES, REQUIRES A FORMULA RETAIL CUP

PC No. 17-026

17. 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).

18. SQUARE FOOTAGE OF LEASED AREA: 661 SQ. FT.

***Formula Retail Establishment is Exempt from a Conditional Use Permit if:
Questions 13 is YES, or Question No. 18 is between 1,400 sq. ft. and 5,000 sq. ft.***

19. IS THE FORMULA RETAIL ESTABLISHMENT EXEMPT FROM A CUP**:
☐ YES ☒ NO ☐ NOT FORMULA RETAIL

Tenant Improvement

20. EXTERIOR ADDITIONS, DEMOLITION, AND/OR ALTERATIONS TO THE BUILDING: ☐ YES ☒ NO
If yes, explain: _____

21. INTERIOR ALTERATIONS, PLUMBING / MECHANICAL SYSTEMS TO BE ADDED, ALTERED, OR MOVED:
(e.g., fixtures, wastewater, heating, air conditioning, etc.): ☐ YES ☐ NO
If yes, explain: Cieling - Fan

22. PROVIDE EXISTING AND PROPOSED FLOOR PLAN AND SITE PLAN ON ADDITONAL PAGES AND ATTACH TO THIS APPLICATION

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: 8/17/2017

PC No. 17-026

Staff Use Only

1. PERMITTED USE: ☒ YES ☐ NO
2. FORMULA RETAIL ESTABLISHMENT THAT REQUIRES A CUP: ☐ YES ☒ NO
3. CONDITIONALLY PERMITTED USE: ☐ YES ☒ NO *(If yes, a CUP is required)*

Approved for permit: _____ Date: 9/25/2017
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***

Submit for Sign Permit or tenant improvement, if either are desired.

PC No. 17-026

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 MMC Chapter 5.42, all merchants who sell tobacco, tobacco products, or tobacco parphernalia shall register with the City. The tobacco registation 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 MMC 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.

PC No. 17-026

13. Special Conditions

a. Approved for identified retail use only. Special events on site may require a Temporary Use Permit from the City.

b.

DISPLAY THIS PERMIT CONSPICUOUSLY AT THE PLACE OF BUSINESS FOR WHICH IT IS ISSUED

CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION

SELLER'S PERMIT

PERMIT NUMBER

259353824 - 00001

MALIBU SMOKE CO.

MALIBU SMOKE CO.
22775 PACIFIC COAST HWY STE 202
MALIBU CA 90265-5070

START DATE:
July 17, 2026

IS HEREBY AUTHORIZED PURSUANT TO SALES AND USE TAX LAW TO ENGAGE IN THE BUSINESS OF SELLING TANGIBLE PERSONAL PROPERTY AT THE ABOVE LOCATION.

THIS PERMIT IS NOT VALID AT ANY OTHER ADDRESS.

YOU ARE REQUIRED TO OBEY ALL FEDERAL AND STATE LAWS THAT REGULATE OR CONTROL YOUR BUSINESS. THIS PERMIT DOES NOT ALLOW YOU TO DO OTHERWISE.

PLEASE RETAIN THIS DOCUMENT FOR YOUR RECORDS.

THIS PERMIT IS VALID UNTIL REVOKED OR CANCELED AND IS NOT TRANSFERABLE.
FOR GENERAL TAX QUESTIONS, PLEASE CALL OUR CUSTOMER SERVICE CENTER AT 1-800-400-7115 (TTY:711).
FOR INFORMATION ON YOUR RIGHTS, CONTACT THE TAXPAYERS' RIGHTS ADVOCATE OFFICE AT 1-888-324-2798.

CDTFA-442-R REV. 20 (2-22)

A MESSAGE TO OUR PERMIT HOLDER

As a permittee, you have certain rights and responsibilities under the Sales and Use Tax Law. For assistance, we offer the following resources:

- Our website at *www.cdtfa.ca.gov*.
- Our toll-free Customer Service Center at 1-800-400-7115 (TTY:711). Customer service representatives are available Monday through Friday from 7:30 a.m. to 5:00 p.m. (Pacific time), except state holidays.

As a permittee, you are expected to maintain the normal books and records of a prudent businessperson. You are required to maintain these books and records for no less than four years, and make them available for inspection by a California Department of Tax and Fee Administration (CDTFA) representative when requested. You are also required to know and charge the correct sales or use tax rate, including any local and district taxes.

You must notify us if you are buying, selling, adding a location, or discontinuing your business; adding or dropping a partner, officer, or member; or when you are moving any or all of your business locations. This permit is valid only for the owner specified on the permit. A person who obtains a permit and ceases to do business, or never commenced business, shall surrender their permit by immediately notifying CDTFA in writing at this address: California Department of Tax and Fee Administration, Field Operations Division, P.O. Box 942879, Sacramento, CA 94279-0047. You may also surrender the permit to a CDTFA representative.

If you would like to know more about your rights as a taxpayer, or if you are unable to resolve an issue with CDTFA, please contact the Taxpayers' Rights Advocate Office for help by calling 1-888-324-2798 or by faxing 1-916-323-3319.

As authorized by law, information provided by an applicant for a permit may be disclosed to other government agencies.

ATTACHMENT 7

Appendix 1
TABLE B PERMITTED USES

KEY TO TABLE (In addition to a coastal development permit, MCUP, CUP, LFDC, & WTF permits are required pursuant to the Malibu Municipal Code where shown in this table.)	
P	Permitted use
MCUP	Requires the approval of a minor Conditional Use Permit by the Director
CUP	Requires the approval of a Conditional Use Permit
A	Permitted only as an accessory use to an otherwise permitted use
LFDC	Requires the approval of a Large Family Day Care permit
WTF	Requires the approval of a Wireless Telecommunications Facility
•	Not permitted (Prohibited)

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
RESIDENTIAL																
Single-family residential[17]	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Manufactured homes	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar developments[18])	•	•	CUP[19]	CUP[19]	•	•	•	•	P[20]	•	•	•	•	•	•	•
Second units	A[1]	A[1]	A[1]	A[1]	•	•	•	•	•	•	•	•	•	•	•	•
Mobile home parks	•	•	•	•	P	•	•	•	•	•	•	•	•	•	•	•
Mobile home park accessory uses (including recreation facilities, meeting rooms, management offices, storage/maintenance buildings, and other similar uses)	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	•
Mobile home as residence during construction	P	P	P	MCUP	•	•	•	•	•	•	•	•	•	•	•	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Accessory uses (guest units, garages, barns, pool houses, pools, spas, gazebos, storage sheds, greenhouses (non-commercial), sports courts (non-illuminated), corrals (non-commercial), and similar uses)	A[1]	A[1]	A[1]	A[1]	•	•	•	•	•	•	•	•	•	•	•	•
Residential care facilities (serving 6 or fewer persons)	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•
Large residential care facilities (serving 7 or more persons)	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Small residential care facilities (serving 6 or fewer persons)	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Single Room Occupancy Facility	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Small family day care (serving 6 or fewer persons)	A	A	A	•	•	•	•	•	•	•	•	•	•	•	•	•
Large family day care (serving 7 to 12 persons)	LFDC	LFDC	LFDC	•	•	•	•	•	•	•	•	•	•	•	•	•
Home occupations	P/ MCUP[2]	P/ MCUP[2]	P/ MCUP[2]	P/ MCUP[2]	•	•	•	•	•	•	•	•	•	•	•	•
AGRICULTURAL/ANIMAL-RELATED																
Agricultural employee housing, as an accessory use, animal related	A	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•
Agricultural employee housing, as an accessory use crop related	A	A	CUP	•	•	•	•	•	•	•	•	•	•	•	•	•
Domestic animals kept as pets or for personal use	A	A	A	A	A	•	•	•	•	•	•	•	•	•	•	•
Equestrian and hiking trails (public and private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Equestrian riding and training facilities and activities including boarding of horses and domestic animals, tournaments, shows and contests (including accessory uses such as club house with food and beverage service, pro shop, tack shop, riding rings, boarding/training/show facilities, barns, parking lots, sports courts, and living accommodations for members, their guests, participants, employees and persons required for the operation and maintenance of such facilities)	•	•	•	•	•	CUP	•	•	CUP	•	•	CUP	•	•	•	•
Grazing of cattle, horses, sheep or goats, including the supplemental feeding of such animals, provided that such grazing is not a part of nor conducted in conjunction with any dairy, livestock feed yard, livestock sales yard or commercial riding academy located on the same premises	P[3]	•	•	•	•	CUP[3]	•	•	•	•	•	•	•	CUP[13]	•	•
Raising of horses and other equine, cattle, sheep and goats, including the breeding and training of such animals	P	A	•	•	•	CUP	•	•	•	•	•	•	•	CUP[13]	•	•
Boarding of horses as a commercial use	MCUP[3]	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Raising of hogs or pigs	P	•	•	•	•	CUP	•	•	•	•	•	•	•	CUP[13]	•	•
Raising of poultry, fowl, birds, rabbits, fish, bees and other animals of comparable nature	P	•	•	•	•	CUP	•	•	•	•	•	•	•	CUP[13]	•	•
Greenhouses	P	•	CUP	•	•	CUP	•	•	•	•	•	•	•	CUP[13]	•	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Raising of crops (field, tree, bush, berry row, nursery stock, etc.) provided no retail sale from the premises	A	A	CUP	•	•	•	•	•	•	•	•	•	•	CUP[13]	•	•
Wildlife preserves	•	•	•	•	•	P	•	•	•	•	•	•	P	•	•	•
RETAIL USES																
Book stores	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Convenience stores	•	•	•	•	•	•	•	•	•	CUP	CUP	CUP	•	•	•	•
Food markets	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Hardware, garden supply stores	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Liquor stores	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Plant nurseries	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Prescription pharmacies	•	•	•	•	•	•	A	P	P	P	P	P	•	•	•	•
Stationary supplies	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Visitor-oriented goods such as recreational equipment and clothing, souvenirs, local arts/crafts, and similar uses	•	•	•	•	•	•	•	MCUP	•	P	P	•	•	•	•	•
GENERAL SERVICES																
Bakeries (no on-site seating)	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
Barber shops, beauty salons	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
Laundry, dry cleaners	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
Miscellaneous services including travel agencies, photocopy services, photographic processing and supplies, mailing services, appliance repair, and similar uses	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
OFFICE/HEALTH USES																
Banks, financial institutions	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
Health care facilities	•	•	•	•	•	•	•	•	CUP	CUP[4]	CUP[4]	CUP	•	CUP	•	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Medical, dental, physical therapy, and veterinary clinics and offices	•	•	•	•	•	•	P	P[5]	P[5]	P[4,5]	P[4,5]	P[5]	•	•	•	•
Professional offices	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•
DINING, DRINKING, AND ENTERTAINMENT																
Amphitheatre	•	•	•	•	•	•	•	•	•	P	P	•	•	•	•	•
Bars	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Live entertainment	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Movie theaters	•	•	•	•	•	•	•	•	•	CUP	CUP	CUP	•	•	•	•
Refreshment stands, ice cream stands, and other fixed location outdoor food vending stands	•	•	•	•	•	•	•	•	•	CUP	CUP	CUP	•	•	•	•
Restaurants	•	•	•	•	•	•	•	CUP[6]	CUP[7]	CUP[7]	CUP[7]	CUP[7]	•	•	•	•
AUTOMOTIVE RELATED USES																
Vehicle washing/detailing	•	•	•	•	•	•	•	CUP[8]	CUP[8]			CUP	•	•	•	•
Service stations (without convenience market)	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Towing and automobile storage	•	•	•	•	•	•	•	•	•	•	•	CUP	•	CUP	•	•
RECREATION AND LEISURE																
Camping	•	•	•	•	•	P	•	•	•	•	•	•	P	•	•	•
Guest Cabins						P										
Community stage theaters	CUP	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Cultural and artistic uses (such as museums, galleries, performing arts venues)	•	•	•	•	•	CUP	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Dance studios	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Golf driving ranges	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	P	•
Health clubs	•	•	•	•	•	•	•	P	P	P	P	P	•	•	P	•
Hotels	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•	•
Motels, bed and breakfast inns	•	•	•	•	•	•	•	•	•	CUP	CUP	•	•	•	•	•
Parks, beaches, and playgrounds	CUP	CUP	CUP	CUP	•	P	•	CUP	CUP	CUP	CUP	CUP	P	CUP	P	•
Public Beach Accessway	P	P	P	P	P			P	P	P	P	P	P			

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Recreation facilities (swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts and similar uses)	•	•	•	•	•	A	•	•	CUP	CUP[9]	CUP[9]	CUP	P	P[14]	P	•
Recreation facilities (neighborhood - for use by surrounding residents and operated by a non-profit corporation or neighborhood association for non-commercial purposes)	•	CUP	CUP	CUP	•	•	•	CUP	CUP	•	•	CUP	•	•	•	•
Recreational vehicle parks	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	P
Sports courts (lighted)	•	•	•	•	•	•	•	CUP	CUP	CUP[9]	CUP[9]	CUP	•	•	•	•
Sports fields (lighted)	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP[11]	•	•
PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES																
Charitable, philanthropic activities	•	•	•	•	•	•	•	P[10]	P[10]	P[10]	P[10]	P[10]	•	CUP	•	•
Churches, temples, and other places of worship	•	•	CUP	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	CUP	•	•
Community centers	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Day care facilities, nursery schools	CUP	CUP	CUP	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	CUP	•	•
Educational (non-profit) activities	•	•	•	•	•	•	•	P	P	P	P	P	P	CUP	•	•
Educational institutions (public or private)	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Emergency communication and service facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP[4]	CUP[4]	CUP	CUP	CUP	CUP	CUP
Emergency Shelters	•	•	•	•	•	•	•	•	•	•	•	P	•	P	•	•
Farmers' markets operated by a nonprofit charitable organization	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Helipad sites	CUP	•	•	•	•	•	•	•	•	•	•	•	•	CUP[12]	•	•
Government facilities, including police and fire stations	•	•	CUP	•	•	•	•	P	P	P[4]	P[4]	P	•	P	•	•
Libraries, museums	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Maintenance yards	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Public utility facilities	CUP	CUP	CUP	CUP	•	•	•	CUP	CUP	CUP[4]	CUP[4]	CUP	CUP[15]	CUP	•	•
Research institutions	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Residential care facilities for the elderly	•	•	•	•	•	•	•	•	CUP	CUP	CUP[4]	CUP[4]	•	CUP[13]	•	•
Wastewater storage and hauling	•	•	•	•	•	•	•	•	•	•	CUP[16]	CUP	•	•	•	•
Wireless telecommunications antennae and facilities	WTF	•	•	•	•	WTF	WTF	WTF	WTF	WTF	WTF	WTF	WTF	WTF	WTF	WTF
CONSTRUCTION/LIGHT INDUSTRIAL USES																
Construction services (neighborhood-serving)	•	•	•	•	•	•	•	•	CUP	•	•	CUP	•	•	•	•
Manufacturing, processing, or treatment of products	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Masonry and building supplies	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Metal welding	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Research and development, testing facilities	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Self-storage	•	•	•	•	•	•	•	CUP	CUP	•	•	CUP	•	•	•	•
Wholesale, storage, and distribution	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
OTHER USES																
Uses permitted by right that operate between the hours of 11:00 p.m. to 7:00 a.m.	•	•	•	•	•	•	MCUP	MCUP	•	•	•	•	•	•	•	•
Mixed use (commercial and residential)	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•

Notes:

1. Subject to Residential Development Standards (Section 3.6).
2. Subject to Home Occupations Standards [(Section 3.6(O)].
3. Use Prohibited in Environmentally Sensitive Habitat Areas.
4. This commercial use may be permitted only if at least 50% of the total floor area of the project is devoted to visitor servin g commercial use. This floor area requirement shall not apply to the Civic Center Wastewater Treatment Facility.

5. CUP for veterinary hospitals.
6. Maximum interior occupancy of 125 persons.
7. If exceeding interior occupancy of 125 persons.
8. By hand only.
9. Use permitted only if available to general public.
10. Charitable, philanthropic, or educational non-profit activities shall be limited to permanent uses that occur within an enclosed building.
11. Sports field lighting shall be limited to the main sports field at Malibu High School and subject to the standards of LIP Sections 4.6.2 and 6.5(G).
12. Limited to public agency use only (not for private use).
13. Accessory uses when part of an educational or non-profit (non-commercial) use. However, residential care facilities for the elderly are limited to operation by a non-profit only.
14. CUP for facilities within a side or rear yard when adjacent to a residentially-zoned parcel.
15. Conditionally permitted only when facilities are ancillary to the Civic Center Wastewater Treatment Facility, including, but not limited to, injection wells, generators, and pump stations.
16. This use is conditionally permitted in the Civic Center Wastewater Treatment Facility Institutional Overlay District and only when associated with the existing wastewater treatment facility or with the Civic Center Wastewater Treatment Facility.
17. Transitional and supportive housing is permitted in the same manner as one single family residence and is subject to all the restrictions that apply to single family residential uses.
18. Transitional and supportive housing is permitted in the same manner as a multi-family residential use and is subject to all the restrictions that apply to multi-family residential uses.
19. Multi-family development associated with an affordable housing development project is permitted by right.
20. Multi-family development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (APNs 4458-022-023 and 4458-022-024 only), in compliance with Section 3.4.5.

(Ord. 449 § 4, 2019; Ord. 393 § 4, 2015; Ord. 373 § 3, 2013; Ord. 366 §§ 3(A) and (B), 2012; Ord. 303 § 3, 2007)

City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone (310) 456-2489
www.malibucity.org

COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, October 5, 2026, at 6:30 p.m.** in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA for 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.

DETERMINATION OF USE NO. 26-002 - An application to determine that a Smoke Shop retail use is similar to and not more objectionable than the permitted uses in the Community Commercial zoning district

LOCATION / APN:	**22775 Pacific Coast Hwy, 202** / 4452-021-009
ZONING:	Community Commercial (CC)
APPLICANT / OWNER:	Malibu Smoke Co. / Carbon Plaza LLC
APPEALABLE TO:	City Council
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Section 15061
APPLICATION FILED:	August 19, 2026
CASE PLANNER:	Michelle Santiago, Assistant Planner, msantiago@malibucity.org (310) 456-2489, ext. 382

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 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: September 10, 2026

ATTACHMENT 9