



## ZONING CLEARANCE FOR A BUSINESS LICENSE APPLICATION FORM

Please complete all sections. Print legibly. If you have any questions completing this form, please contact the Community Development Department at 805 646 5581 ext. 112. FEE \$112.

### Business Information

Name of Business	_____
DBA (Doing Business As)	_____
Street Address	_____
Suite/Unit Number/Zip Code	_____
Contact Person:	_____
Contact Phone Number:	_____
Contact Email Address:	_____
<b>Detailed</b> Description of Business:	_____
(Include ancillary uses)	_____
	_____

### Site Information

Square footage of building/suite	_____
Number of parking spaces available	_____
Is parking paved & striped?	Yes ___ / No ___
Prior use of building/suite	_____

### Property Owner Information (Authorization required from the owner of the property)

Property Owner/Leasing Manager Information	Owner: ___	Agent: ___
Name: _____		
Email: _____		
Mailing Address: _____		
State: _____	Zip Code: _____	
Phone Number: _____		
<b>Signature:</b> _____	<b>Date:</b> _____	

PLEASE ANSWER THE FOLLOWING (do not leave blank):

Yes	NO	
		FORMULA BUSINESS – “Formula Business is a type of commercial business establishment, retail sales or rental activity and retail sales or rental establishment, including restaurants, hotels and motels, which, along with ten (10) or more other establishments, maintains two (2) or more of the following features: (i) standardized array of merchandise or standardized menu; (ii) standardized facade; (iii) standardized décor or color scheme; (iv) uniform apparel; (v) standardized signage; or (vi) trademark or service mark.

**Business Permit Information**

Please indicate if any of the following products or services are being provided by your business.  
Please check either Yes (Y) or No (N) for each question.

Yes	No		Yes	No		Yes	No	
		Adult Merchandise			Gun Dealer			Cannabis / Marijuana
		Alcohol			Health Club			Skateboard Center
		Ambulance			House/Street Numbering			Skating Rink
		Carnivals/Concessions			Hypnotist			Swap Meet
		Dancing			Locksmith			Taxicab
		Entertainment			Massage			Tobacco/Smoking Products
		Escort Bureau			Motion Picture Theater			Tow Truck
		Fortunetelling			Pawnbroker			Game Arcades

**Business Operational Information** - please check either Yes (Y) or No (N) for each question.

Yes	No	
		Will any portion of the use be conducted outside of an enclosed building?
		Does the use involve any public assembly?
		Are any building alterations or additions proposed?
		Does the use involve:
		Welding or open flame operation?
		Flammable liquids (storage, handling, etc.)?
		Dust producing operation (woodworking, etc.)?
		Plastic (storage, handling, use)?
		Compressed Gas (storage, handling, use)?
		High Piled Combustible Storage (over 8')?
		Tire Storage (over 6')?
		Vehicle repair or maintenance facilities?
		Storage of vehicles?
		Outdoor storage of equipment or materials?

Provide an explanation for any "Yes" answers:

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I certify that the information above is true and accurate to the best of my knowledge

\_\_\_\_\_  
Business Owner Name (please print)

\_\_\_\_\_  
Business Owner Signature

\_\_\_\_\_  
Date

**FOR OFFICE USE ONLY**

Planning Department

☐ Need further clarification of proposed Use. Submit fully dimensioned plans showing existing conditions, all alterations and proposed uses of all areas (floor plan and site plan).

Zoning \_\_\_\_\_

New Use? \_\_\_\_\_

Is Use Allowed? \_\_\_\_\_

Does Use Require A Conditional Use Permit? \_\_\_\_\_

☐ Use Permitted- Subject to compliance with all Building Codes, Municipal Codes, State and Federal Law and issuance of a Business License

☐ Use Denied

**PLANNING REVIEW**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**BUILDING AND SAFETY DIVISION**

☐ Change of occupancy, applicant must submit detailed plans showing compliance with all current code requirements for \_\_\_\_\_ occupancy

☐ Need further clarification of proposed Use. Submit fully dimensioned plans showing existing conditions, all alterations and proposed uses of all areas (floor plan and site plan).

☐ Continuing use of existing building. No additional requirements. ☐ Verified no Tenant Improvements proposed.

☐ Industrial Waste Permit required

☐ Gas ☐ Electric service has been disconnected. A safety inspection is required.

☐ Other comments \_\_\_\_\_

**BUILDING AND SAFETY REVIEW**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## City of Ojai

### Community Development Department

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## FORMULA BUSINESS AFFIDAVIT

### **SECTION A:**

Please answer the questions below to determine whether your business falls within the definition of a "Formula Business": "Formula Business" means a type of commercial business establishment, retail sales or rental activity and retail sales or rental establishment, including restaurants, hotels and motels, and retail sales of goods, which, has more than (5) establishments (including the proposed business location within the City, and maintains two (2) or more of the following features as standardized, common, or uniform features among those five establishments: (i) standardized array of merchandise or standardized menu; (ii) standardized facade; (iii) standardized décor or color scheme; (iv) uniform apparel; (v) standardized signage; (vi) trademark or service mark; provided, however, a "formula business" shall not include an automated, standalone vending machine. (*Standardized does not mean identical, but means substantially the same.*)

### **YES / NO**

- ☐ ☐ Are there five or more establishments substantially the same as the proposed business?
- ☐ ☐ (i) standardized array of merchandise or standardized menu;  
Do you have 50% or more of in-stock merchandise from a single distributor bearing uniform markings? *Please respond with more detail below:*

Do you have standardized menus, or any list of an individual food or drink item, or combination of food or drink items, displayed on a menu board or printed or electronic menu or identified by a food item tag sold by a business establishment which is common or uniform among the establishments? *Please respond with more detail below:*

- ☐ ☐ (ii) standardized façade;  
Do you have the face or front of a building, including awnings, looking onto a street or an open space?  
Is there a standardized storefront (façade)?  
Do all the storefronts of the other establishments have a common theme and look the same (such as same colors)?  
*Please respond with more detail below:*

☐ ☐ (iii) standardized décor or color scheme;

Do you have the style of interior and exterior finishes and materials, which may include but is not limited to, style of furniture, wall coverings or permanent fixtures or do you have selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the façade? *Please respond with more detail below:*

☐ ☐ (iv) uniform apparel;

Do you have standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags) as well as standardized colors of clothing? *Please respond with more detail below:*

☐ ☐ (v) standardized signage;

Does your business have standardized signage (common and uniform, not identical but substantially the same)? *Please respond with more detail below:*

☐ ☐ (vi) trademark or service mark;

Do you have a word, phrase, symbol, design, or words or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others or do you have a word, phrase, symbol or design, or words or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others?

*Please respond with more detail below:*

**If you have answered “yes” to two (2) or more of the questions above, please continue to the information in Section B, if *not* please sign acknowledgement and submit.**

**ACKNOWLEDGEMENT:**

In the event the City determines that a permit application or permit subject to this section is for a Formula Business, the permit applicant or holder bears the burden of proving to the City that the proposed or existing use does not constitute a Formula Business.

I declare that I am the owner /business owner / representative (indicate one) of the property involved in this declaration and that the information submitted herein is true and correct. I hereby declare under penalty of perjury that the information contained in this affidavit is true and complete. I further declare, acknowledge and agree that the City of Ojai is relying on the accuracy of this information and that any permits issued by the City may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits, including but not limited to any litigation costs.

**Signature of Business or Property Owner**

**Date**

**SECTION B:****Regulation**

- (1) A formula business as defined in subsection (d) may only be established on a site after obtaining a conditional use permit from the City for the operation of that use on such site, subject to the limitations of this section. Change of ownership of a formula business, by itself and without any other changes to the formula business, shall not require obtaining a conditional use permit pursuant to this section.
- (2) No permit application of any kind shall be accepted or processed for a formula business as defined in subsection (d) that also possesses at least two of the following characteristics:
  - (i) Specializes in short order or quick service food and/or drink;
  - (ii) Serves food and/or drink primarily in paper, plastic or other disposable containers; and
  - (iii) Payment is made by customers before food and/or drink is consumed.
- (3) In addition to the findings required by Section 10-2.2406 (findings and decisions) as prerequisite to the issuance of a conditional use permit, the Commission shall make all of the following findings prior to the issuance of a conditional use permit for a formula business:
  - (i) The proposed formula business will not result in an over-concentration of formula business establishments in its immediate vicinity or in the City as a whole;
  - (ii) The proposed formula business will contribute to an appropriate balance of varying businesses sizes and types in the City; and
  - (iii) The proposed formula business has been designed to preserve and enhance the City's small town community character, as identified within the Land Use element of the City of Ojai's General Plan, and to integrate existing community architectural and design features which will preserve such character for the City's residents and visitors.
- (4) The Commission may promulgate regulations to further define the scope and meaning of the foregoing findings to ensure consistent implementation of this subsection.
- (5) No conditional use permit shall be issued for a use that is a formula business located within the area of the Downtown Commercial land use designation of the City's General Plan if either of the following are true: (i) such establishment has street-level frontage exceeding twenty-five (25) linear feet on any street, or (ii) the useable area of the building or structure wherein the formula business is to be located exceeds two thousand (2,000) square feet. For purposes of this subsection, "street level frontage" shall include frontage on private parking lots and access ways where the commercial building does not abut a public street.
- (6) Except as provided in subsection (b)(5) of this section, no conditional use permit shall be issued for a use that is a formula business if such establishment exceeds ten thousand (10,000) square feet of net total floor area.

## FORMULA BUSINESS AFFIDAVIT TEMPORARY MORATORIUM

On June 22, 2021, Ojai City Council adopted an urgency Ordinance No. 919 establishing a temporary moratorium on new formula businesses with five or more establishments containing two or more of seven common features and meeting certain criteria per Ojai Municipal Code Section 10-2.1713.

On August 3, 2021, Ojai City Council voted to extend Urgency Ordinance No. 920 through August 3, 2022 unless extended by the Ojai City Council or terminated by further action, establishing a temporary moratorium on new formula businesses that have five or more establishments including those within the City, and that share any two of the following features among those five or more establishments:

On July 12, 2022, Ojai City Council voted to extend Urgency Ordinance No. 931 through May 26, 2023 unless extended by the Ojai City Council or terminated by further action, establishing a temporary moratorium on new formula businesses that have five or more establishments including those within the City, and that share any two of the following features among those five or more establishments:

- (i) standardized array of merchandise or standardized menu; (ii) standardized façade;
- (iii) standardized decor or color scheme; (iv) uniform apparel;
- (v) standardized signage; (vi) trademark or service mark; or
- (vii) standardized or collective marketing of the business proposed to be located within the City, including, but not limited to, via digital and online means, in conjunction with the other qualifying establishments.

**Please answer the questions below:**

**YES / NO**

- ☐ ☐ Are there five or more establishments including those within the City substantially the same as the proposed business?
- ☐ ☐ Do you have any standardized marketing together with other establishments, whether under the same or different names, but using common or uniform marketing means, ads, sales, portals, physical or electronic commerce planforms, or internet or digital marketing materials or sales platforms? Collective marketing includes, in is not limited, any internet or digital media or sales portals that allow consumers to purchase goods or services from the establishment located within the City and also make purchases from the other qualifying establishments sharing at least one other standardized, common, or uniform feature. *Please respond with more detail below:*

### ACKNOWLEDGEMENT:

In the event the City determines that a permit application or permit subject to this section is for a Formula Business, the permit applicant or holder bears the burden of proving to the City that the proposed or existing use does not constitute a Formula Business.

I declare that I am the owner /business owner / representative (indicate one) of the property involved in this declaration and that the information submitted herein is true and correct. I hereby declare under penalty of perjury that the information contained in this affidavit is true and complete. I further declare, acknowledge and agree that the City of Ojai is relying on the accuracy of this information and that any permits issued by the City may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits, including but not limited to any litigation costs.

<b>Signature of Business or Property Owner</b>	<b>Date</b>
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