

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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**W13a****November 23, 2010****TO:** Commissioners and Interested Persons**FROM:** Peter Douglas, Executive Director  
John Ainsworth, Deputy Director  
Gary Timm, Coastal Program Manager  
John Del Arroz, Coastal Program Analyst**SUBJECT:** Concurrence with the Executive Director's determination that the action of the City of Redondo Beach accepting certification with suggested modifications of Major LCP Amendment No. 2-08 is legally adequate. For Commission review at its December 15-17, 2010 meeting in San Francisco.**STAFF RECOMMENDATION**

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.

**BACKGROUND**

On May 19, 2008, the city of Redondo Beach submitted Major Local Coastal Program Amendment Request No. 2-08 for Commission certification. The proposed amendment would change both the Land Use Plan(LUP) and Implementation Plan(IP). The amendment request would certify the remaining uncertified segment (Area 2) of the Redondo Beach Coastal Zone, and eliminate the current geographic separation of the Coastal Zone. Area 2 consists of the power generating plant located west of Catalina Ave, and the harbor and pier areas of the City.

On June 13, 2008, Commission staff determined that the City's submittal was complete. On August 7, 2008 the City and the Commission agreed to extend the 90-day time limit for consideration of the amendment to the total LCP for one additional year pursuant to Public Resources Code section 30517. On July 9, 2009, the Commission approved LCP Amendment No. 2-08 with suggested modifications. The suggested modifications directed the City to: amend portions of the LUP and IP to address deficiencies in: a) protection of public access along Mole A and B; b) protection of commercial visitor serving uses, c) protection of views d) protection of existing coastal dependent land uses e) tsunami hazards f) Environmentally Sensitive Habitat Area and g) protection of marine resources. **(See Attachment 1)** On December 9, 2009, the Commission approved a one year time extension to the 6-month period to accept the suggested modifications.

On April 6, 2010, the Redondo Beach City Council adopted Resolutions 3050-10 and 1004-306, incorporating into the LCP the modifications suggested by the Commission pursuant to its approval of LCP Amendment 2-08, and submitted the modifications to the Executive Director

for a determination that they are consistent with the Commission's action on July 9, 2009 **(See Attachment 2)**

As provided in Section 13544 of the California Code of Regulations, the Executive Director must determine whether the City's action is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless the Commission objects to the Executive Director's determination, the certification of LCP Amendment No. 2-08 shall become effective upon Commission concurrence with the Executive Director's determination.

## **SUGGESTED MODIFICATIONS**

Certification of City of Redondo Beach LCP Amendment Request No. 2-08 is subject to the following modifications.

The City's proposed additions are shown as underlined text.

The City's proposed deletions are shown as ~~strike-out text~~.

The Commission's suggested additions are shown in **bold, italic, underlined text**.

The Commission's suggested deletions are shown in **bold, italic, underlined, strike out text**.

### **Land Use Plan**

#### **Suggested Modification No. 1**

Land Use Plan, Section VI, Subsection C - Proposed Land Use Classifications:

The following land use classifications in conjunction with the coastal land use plan map for the Coastal Zone (Exhibit H) and the policies as set forth in this Coastal Plan will guide the future growth and development of the City's Coastal Zone. This section was substantially updated in 1999 for consistency with the City's General plan, including more specific land use and development standards.

The Coastal Commission certified the implementation section of the City of Redondo Beach LCP in 2003 for Area 1 of the Coastal Zone (including the entire Coastal Zone except for the AES Generating Plant site, the Harbor/Pier area, and the North Catalina Avenue corridor between Beryl Street and North Pacific Coast Highway which comprise Area 2 of the Coastal Zone). Development of the implementation section for Area 2 of the Coastal Zone is expected to be completed by ~~2006~~ **2008 2009**.

**Upon effective certification of City of Redondo Beach LCPA No. 2-08, the segmentation of the coastal zone within the City of Redondo Beach into two geographic units shall expire. Thereafter, the entire coastal zone within the City of Redondo Beach shall be treated as one geographic unit.**

#### **Suggested Modification No. 2**

Land Use Plan, Section VI, Subsection C - Proposed Land Use Classifications:

##### **Commercial Recreation Sub-area 2**

##### **Primary Land Uses**

- Local Serving and Visitor-Serving Retail Uses
- Restaurants and Other Food and Beverage Uses
- Hotels ~~including Limited Use Overnight Visitor Accommodations~~

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- **Limited Use Overnight Visitor Accommodations (except on designated State Tidelands)**
- Multi-Purpose Private Recreational Uses (except on State Tidelands)
- Marina and Marina related Facilities
- Entertainment Clubs
- Yachting and Boating Clubs
- Public Open Space/Recreational Uses

### Additional Land Uses

- Structured and Surface Parking Facilities
- Commercial Office Land Uses (~~offices shall be located above ground floor, except that~~ marina-related offices, visitor serving offices and offices for management and operation of on-site facilities may be permitted on ground floor **and on State Tidelands, all other commercial office uses shall be located above the ground floor and shall not be allowed on State Tidelands**)

Tidelands (lands west of the mean high tide line). Permitted uses shall be limited to those uses dedicated to the public trust purposes consistent with state law. Office uses shall not be permitted except for the management of on-site facilities. **Limited Use Overnight Visitor Accommodations (including but not limited to Condominium Hotels, Timeshares, Fractional Ownership Hotels) shall not be permitted on State Tidelands.**

### Maximum Building Density

- The floor area ratio (FAR) of all buildings in sub-area 2 shall not exceed 0.35, except that FAR bonuses may be permitted as allowed in the Zoning Ordinance for inclusion of hotels and/or offices above the ground level and/or for the provision of substantial and high quality public amenities, public spaces, and public improvements. Maximum FAR **with** bonuses shall not exceed 0.65. The future intensity of new development which may be allowed to occur within the area will be determined on a case-by-case review basis, through the established public review process, as individual proposals are received.
- Cumulative development for Commercial Recreation district sub-areas 1 – 4 shall not exceed a net increase of 400,000 square feet of floor area based on existing land use on April 22, 2008.
- **New development projects shall include view corridors to the water from N. Harbor Drive.**

## **Suggested Modification No. 3**

Land Use Plan, Section VI, Subsection C - Proposed Land Use Classifications:

### Primary Land Uses (sub-areas 3a and 3c)

- Local Serving and Visitor-Serving Retail Uses
- Restaurants and Other Food Beverage Use

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- Hotels ~~***including Limited Use Overnight Visitor Accommodations***~~
- ***Limited Use Overnight Visitor Accommodations (except on designated State Tidelands)***
- Marina and Marina-Related Facilities
- Yacht or Boating Clubs
- Public Open Space/Recreational Uses

### Additional Land Uses (sub-areas 3a and 3c)

- Entertainment Clubs
- Commercial Office Land Uses (Sub-area 3a, ~~except in Tidelands~~) (~~offices shall be located above ground floor, marina-related offices, visitor serving offices and offices for management and operation of on-site facilities may be permitted on ground floor~~ ***and on State Tidelands, all other commercial office uses shall be located above the ground floor and shall not be allowed on State Tidelands***)
- Parking Facilities

### Primary Land uses, sub-area 3b (Mole B)

- ***Minimum of 33% of sub-area 3b (Mole B) shall be maintained as contiguous passive park and public open space***
- Boating facilities, such as boating clubs, boating instruction, boat storage, Harbor Patrol, and similar support facilities
- Public Open Space/Recreational Uses

### Additional Land Uses, sub-area 3b (Mole B)

- Other public uses supporting the primary permitted uses

Tidelands (lands west of the mean high tide line). Permitted uses shall be limited to those uses dedicated to the public trust purposes consistent with state law. Office uses shall not be permitted except for the management of on-site facilities. ***Limited Use Overnight Visitor Accommodations (including but not limited to Condominium Hotels, Timeshares, Fractional Ownership Hotels) shall not be permitted on State Tidelands.***

### Maximum Building Density

- The floor area ratio (FAR) on master leasehold areas, or on sites that are not master leasehold areas, or on combined development sites in sub-areas 3a and 3c shall not exceed 0.35, except that FAR bonuses may be permitted as allowed in the Zoning Ordinance for inclusion of hotels and/or offices above the ground level and/or for the provision of substantial and high quality public amenities, public spaces, and public improvements. Maximum FAR ***with*** bonuses shall not exceed 0.65. The future intensity of new development which may be allowed to occur within the area will be determined on a case-by-case review basis, through the established public review process, as individual proposals are received. Notwithstanding the above, FAR shall not exceed 0.25 in sub-area 3c.

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- The floor area ratio (FAR) shall not exceed 0.25 in sub-area 3b (Mole B)
- Cumulative development for Commercial Recreation district sub-areas 1 – 4 shall not exceed a net increase of 400,000 square feet of floor area based on existing land use on April 22, 2008.
- ***New development projects shall include view corridors to the water from N. Harbor Drive.***

### **Suggested Modification No. 4**

Land Use Plan, Section VI, Subsection D - Land Use, Policy 1:

1. Coastal dependent land uses will be encouraged within the Harbor-Pier area. The City will preserve and enhance these existing facilities and encourage further expansion of coastal dependent land uses, where feasible. ***Removal of existing coastal dependent land uses shall be strongly discouraged unless such uses are determined to no longer be necessary for the functional operation and utility of the Harbor. A public boat launch ramp shall be constructed in association with future development projects within the Harbor area.***

### **Suggested Modification No. 5**

Land Use Plan, Section VI, Subsection D - Land Use, Policy 2:

2. New development, additions or major rehabilitation projects within the Harbor-Pier area shall be sited and designed to:
  - a) Preserve and enhance public views of the water from the moles, pier decks, publicly accessible open space and Harbor Drive;
  - b) Provide continuous public access to and along the seaward side of the piers and moles, with the exception of "Pad 2" on the Pier (see Exhibit A, Policy 2 illustration below).
  - c) Be consistent and harmonious with the scale of existing development, and;
  - d) Provide appropriate public serving amenities such as benches and pedestrian walkways adjacent to the water's edge or the edge of the pier, landscaped rest and viewing areas.
  - e) ***Signage shall be erected to identify the public parking and public amenities located on Mole A and Mole B. The signs shall be sufficiently visible to the public, shall be located on the corner of North Harbor Drive at Marina Way and Yacht Club Way, and in front of the existing guardhouse/gate structures located at the entrances to the moles. Signs shall identify that vehicular access is available to the Moles and that public parking and coastal public amenities are located seaward of the signs.***

Consistent with the objectives and policies a-d above, no permanent building shall be developed on "Pad 1" of the Pier.

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### Land Use Plan, Section VI, Subsection D - Land Use, New Policy 13:

#### 13. Hazards

Development in Redondo Beach shall be sited and designed to minimize hazards from wave uprush and from geologic hazards including seismic hazards such as liquefaction.

- a) New development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Development shall assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding areas or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Development shall proceed only if the Director of the Department of Building and Safety determines that there is sufficient evidence that the structure may be constructed and maintained safely. All development shall employ earthquake resistant construction and engineering practices.
- b) Development in the Pier and Harbor area shall provide, in advance of approval, erosion and wave uprush studies, **based upon and** projections of **the range of** sea level rise **that can be** expected **(at rates ranging from 5 to 15 mm/yr)** within the reasonable economic life of the structure (normally 75 years). The Director may waive such studies on the basis of information contained in a certified EIR for the Pier and Harbor area, if such EIR includes maps of all areas in the City potentially impacted by storm waves and sea level rise and such maps include elevations of such impacts and estimation of likelihood of such events. All structures shall be sited and designed to minimize destruction of life and property during likely inundation events.
- c) If the development proposed is located on an existing slope greater than 2:1 or on artificial fill, new construction may be permitted only on the basis of detailed, site specific geologic and soil studies.
- d) All structures located on fill or on alluvial deposits shall provide analysis of the potential for seismic hazards including liquefaction. The design of such structures shall include measures to minimize damage and loss of property from such hazards. All earthquake studies shall also comply with the latest recommendations of the California **Geological Survey Department of Mines** and Geology and the Seismic Safety Commission and shall adhere to all applicable building codes.
- e) All development located **within the tsunami inundation zone as identified by the most recent state or local California Emergency Management maps or,** below elevation 15 feet above mean sea level shall provide information concerning the height and force of likely tsunami run-up on the property. The Director may waive this requirement if he or she determines that accurate maps concerning the extent, velocity and depth of likely tsunami run-up is available in a certified EIR that addresses all pier, harbor, and beach areas of the City. The Director

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shall require all development located within a possible tsunami run-up zone to install, as appropriate, warning systems and other measures to minimize loss of life due to a tsunami.

- f) With the exception of structures on the moles, new or substantially reconstructed structures on ocean fronting parcels shall be permitted only if they are sited and designed so that no future shoreline protective devices will be necessary to protect them from storm waves and bluff erosion. The City shall require as an enforceable condition of any permit for such a structure that no shoreline protective structure shall be allowed in the future to protect the development from **foreseeable or unexpected** bluff erosion or wave uprush.

### **Suggested Modification No. 7**

Land Use Plan, Section VI, Subsection D - Land Use, New Policy 15:

- c) Limited Use Overnight Visitor Accommodations within the Commercial Recreation district shall be limited to no more the **25% 40%** of total new guestrooms (units) developed within a leasehold after the effective date of adoption of this Section. All other guestrooms (units) shall be available to the general public on a daily, year-round basis.

### **Suggested Modification No. 8**

Land Use Plan, Section VI, Subsection D - Land Use, New Policy 15:

- g) Lower cost visitor accommodations shall be protected, encouraged, and where feasible provided. In the ***Coastal Zone Commercial Recreation district when demolition of existing lower cost overnight visitor accommodations or when Hotels or Limited Use Overnight Visitor Accommodations are proposed that include high-cost overnight visitor accommodations, an assessment of the availability of lower cost visitor accommodations in Redondo Beach shall be completed at the time of discretionary review and*** an in-lieu fee in an amount necessary to off-set the lack of the preferred lower cost facilities in Redondo Beach shall be imposed. ***The fee shall be \$30,000 per room that mitigation is required for, and the fee shall be adjusted annually to account for inflation according to increases in the Consumer Price Index U.S. City Average. If as a part of a proposed development all units for which an in-lieu fee would be required are replaced by lower cost overnight visitor accommodations within the Coastal Zone of Redondo Beach, the in-lieu fee shall be waived.***

**An in-lieu fee shall be required for new development of overnight visitor accommodations in the coastal zone that are not low or moderate cost facilities. These in-lieu fee(s) shall be required as a condition of approval of a coastal development permit, in order to provide significant funding to support the establishment of lower cost overnight visitor accommodations within the coastal area of Los**



Angeles County, and preferably within the City of Redondo Beach's coastal zone. The fee shall apply to 25% of the total number of proposed units that are high-cost overnight visitor accommodations or limited use overnight visitor accommodations.

An in-lieu fee shall be required for any demolition of existing lower cost overnight visitor accommodations, except for units that are replaced by lower cost overnight visitor accommodations, in which case the in-lieu fee shall be waived. This in-lieu fee shall be required as a condition of approval of a coastal development permit, in order to provide significant funding to support the establishment of lower cost overnight visitor accommodations within the coastal area of Los Angeles County, and preferably within the City of Redondo Beach's coastal zone. A per-unit fee for the total number of existing lower cost overnight units that are demolished and not replaced shall be required.

Where a proposed development includes both demolition of existing low cost overnight visitor accommodations and their replacement with high cost overnight visitor accommodations, the fee shall also apply to the 25% of the number of high cost rooms/units in excess of the number being lost.

### **Suggested Modification No. 9**

Land Use Plan, Section VI, Subsection D - Land Use, New Policy 16:

- 16. Employment, retail, and entertainment districts and coastal recreational areas shall be well served by public transit and easily accessible to pedestrians and bicyclists. Streets, sidewalks, bicycle paths, and recreational trails (including the California Coastal Trail) should be designed and regulated to encourage walking, bicycling, and transit ridership.**

Large commercial and residential developments shall be located and designed to be served by transit and provide non-automobile circulation to serve new development to the greatest extent feasible.

## **Suggested Modification No. 10**

Land Use Plan, Section VI, Subsection D - Land Use, New Policy 17:

**17. The Coastal Act definition set forth below is incorporated herein as a definition of the Land Use Plan: "Environmentally sensitive habitat area (ESHA)" means any area in which plant or animal life or their habitats are either rare or especially valuable because of the special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.**

- a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.**
- b) Development within and adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.**
- c) Appropriate buffers shall be established to protect identified environmentally sensitive habitat areas.**

## **Suggested Modification No. 11**

Land Use Plan, Section VI, Subsection D - Land Use, New Policy 18:

**18. Ensure the protection of bird nesting habitat protected by the Migratory Bird Treaty Act and the long-term protection of breeding, roosting and nesting habitat of bird species listed pursuant to the federal or California Endangered Species Acts, California bird species of special concern, and wading birds (herons or egrets). The trimming and/or removal of any trees that have been used for breeding and nesting by the above identified species within the past five (5) years, as determined by a qualified biologist or ornithologist shall be undertaken in compliance with all applicable codes and regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the U.S. Migratory Bird treaty Act.**

## **Suggested Modification No. 12**

Land Use Plan, Section VI, Subsection D - Land Use, New Policy 19:

**19. Marine resources shall be maintained, enhanced and where feasible restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.**

### **Suggested Modification No. 13**

Land Use Plan, Section VI, Subsection D - Land Use, New Policy 20:

- 20. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.**

### **Suggested Modification No. 14**

Land Use Plan, Section VI, Subsection D - Land Use, New Policy 21:

- 21. The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall only be permitted in accordance with other applicable provisions of this division, where there is no feasible alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effect, and shall be limited to the following:**
- a) New or expanded port, energy, and coastal dependent industrial facilities, including commercial fishing facilities.**
  - b) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.**
  - c) In open coastal waters, other than wetlands, including stream, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreation piers that provide public access and recreational opportunities.**
  - d) Incidental public service purpose, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.**
  - e) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive habitat areas.**
  - f) Restoration purposes.**
  - g) Nature study, aquaculture, or similar resource dependent uses.**

**Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils**

**suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.**

**In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary.**

## **Implementation Plan**

### **Suggested Modification No. 15**

Zoning Ordinance, 10-5.811 Additional land use regulations, CC Coastal Commercial zones, (b) Hotels:

- (2) Limited Use Overnight Visitor Accommodations shall be limited to no more than **25% 40%** of total new guestrooms (units) developed within a master leasehold area or on sites that are not master leasehold areas. All other guestrooms (units) shall be available to the general public on a daily, year-round basis.
- (3) Fractional Ownership Hotel. Fractional ownership hotels may be permitted in the CC-2, CC-3 and CC-4 Coastal Commercial zones, **except on State Tidelands**, and shall be conditioned as follows:
- (4) Condominium-Hotel. Condominium-hotels may be permitted in the CC-2, CC-3 and CC-4 Coastal Commercial zones, **except on State Tidelands**, and shall be conditioned as follows:
- (5) Timeshares. **Timeshares may be permitted in the CC-2, CC-3 and CC-4 Coastal Commercial zones, except on State Tidelands, and shall be conditioned as follows:**
- (8) Lower cost visitor accommodations shall be protected, encouraged, and where feasible provided. In the **Coastal Zone Commercial Recreation district when demolition of existing lower cost overnight visitor accommodations or when Hotels or Limited Use Overnight Visitor Accommodations are proposed that include high-cost overnight visitor accommodations, an assessment of the availability of lower cost visitor accommodations in Redondo Beach shall be completed at the time of discretionary review and** an in-lieu fee in an amount necessary to off-set the lack of the preferred lower cost facilities in Redondo Beach shall be imposed. **The fee shall be \$30,000 per room that mitigation is required for, and the fee shall be adjusted annually to account for inflation according to increases in the Consumer Price Index U.S. City Average. If as a part of a proposed development all units for which an in-lieu fee would be required are replaced by lower cost overnight visitor accommodations within the Coastal Zone of Redondo Beach, the in-lieu fee shall be waived.**

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*An in-lieu fee shall be required for new development of overnight visitor accommodations in the coastal zone that are not low or moderate cost facilities. These in-lieu fee(s) shall be required as a condition of approval of a coastal development permit, in order to provide significant funding to support the establishment of lower cost overnight visitor accommodations within the coastal area of Los Angeles County, and preferably within the City of Redondo Beach's coastal zone. The fee shall apply to 25% of the total number of proposed units that are high-cost overnight visitor accommodations or limited use overnight visitor accommodations.*

*When referring to any overnight visitor accommodations, lower cost facilities shall be defined as any facility with room rates that are below 75% of the Statewide average room rate, and higher cost facilities shall be defined as any facility with room rates that are 125% above the Statewide average room rate. Statewide average room rates can be calculated by the Smith Travel Research website ([www.visitcalifornia.com](http://www.visitcalifornia.com)) or other analogous method used to arrive at an average Statewide room rate value.*

*An in-lieu fee shall be required for any demolition of existing lower cost overnight visitor accommodations, unless all those units are replaced by lower cost overnight visitor accommodations, in which case the in-lieu fee shall be waived. This in-lieu fee shall be required as a condition of approval of a coastal development permit, in order to provide significant funding to support the establishment of lower cost overnight visitor accommodations within the coastal area of Los Angeles County, and preferably within the City of Redondo Beach's coastal zone. A per-unit fee for the total number of existing lower cost overnight units that are demolished and not replaced shall be required.*

*Where a proposed development includes both demolition of existing low cost overnight visitor accommodations and their replacement with high cost overnight visitor accommodations, the fee shall also apply to the 25% of the number of high cost rooms/units in excess of the number being lost.*

*Prior to issuance of the coastal development permit, and upon execution of an appropriate agreement between the City and the designated recipient that assures use of the in-lieu fee **to assist in the creation of lower cost overnight visitor accommodations within the nearby coastal region for the intended mitigation**, the applicant shall transfer the fee to the entity designated by the agreement.*

### **Suggested Modification No. 16**

Zoning Ordinance, 10-5.1900 Landscaping regulations:

(h) Tree Trimming within the Harbor/Pier Area. The trimming and/or removal of any trees that have been used for breeding and nesting by bird species listed pursuant to the federal or California Endangered Species Acts, California bird species of special concern, and wading birds (herons or egrets) within the past five (5) years, as determined by a qualified biologist or ornithologist, shall be undertaken in compliance with all applicable codes and regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service, the U.S. Migratory Bird treaty Act, and the following tree trimming policies:.

(1) No tree trimming or removal shall take place during breeding and nesting season (January through September) unless a tree is determined by a qualified arborist to be a danger to public health and safety. A health or safety danger exists if a tree or branch is dead, diseased, dying, or injured and is seriously compromised. Tree trimming or removal shall only be carried out from October 1 through December 31.

(2) Trees or branches with a nest of a wading bird (heron or egret), a state or federal listed species, or a California bird species of special concern that has been active anytime in the last five years shall not be removed or disturbed unless a health and safety danger exists.

(3) Any breeding or nesting tree that must be removed shall be replaced at a 1:1 ratio. Replacement trees shall be native or regionally appropriate non-natives and non-invasive.

(a) A tree replacement and planting plan for each tree replacement shall be developed to specify replacement tree locations, tree size (no less than 36" box size), planting specifications, and a five-year monitoring program with specific performance standards.

(b) An annual monitoring report for tree replacement shall be submitted for the review and approval of the Harbor Director and maintained on file as public information.

(4) Tree trimming or removal during the non-breeding and non-nesting season (October 1 through December 31) shall follow the following procedures.

(a) Prior to tree trimming or removal, a qualified biologist shall survey the trees to be trimmed or removed to detect nests and submit the surveys to the Harbor Department. Tree trimming or removal may proceed if a nest is found, but has not been used within the prior 5 years and no courtship or nesting behavior is observed.

(b) In the event that a wading bird (heron or egret) species, a state or federal listed species, or a California bird species of

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special concern return or continue to occupy trees during the non-nesting season (October 1 through December 31), trimming shall not take place until a qualified biologist has assessed the site, determined that courtship behavior has not commenced, and has given approval to proceed within 300 feet of any occupied tree (500 feet for raptor species (e.g., bald eagles, osprey, owls)).

(c) Trimming of nesting trees shall not encroach within 10 feet of an unoccupied nest of any of the bird species referenced above. The amount of trimming at any one time shall be limited to preserve the suitability of the nesting tree for breeding and/or nesting habitat.

(d) Written notice of tree trimming and/or removal shall be posted and limits of tree trimming and/or removal shall be established in the field with flagging and stakes or construction fencing at least one week before work takes place. The notice and flagging/fencing does not apply to an immediate emergency situation.

(5) Tree trimming or removal during breeding and nesting season (January-September) shall be undertaken only because a health and safety danger exists, as determined by a qualified arborist, in consultation with the Harbor Department and the City of Redondo Beach, and shall use the following procedures:

(a) A qualified biologist shall conduct surveys and submit a report at least one week prior to the trimming or removal of a tree (only if it is posing a health or safety danger) to detect any breeding or nesting behavior in or within 300 feet (500 feet for raptors) of the work area. An arborist, in consultation with the qualified biologist, shall prepare a tree trimming and/or removal plan. The survey report and tree trimming and/or removal plan shall be submitted for the review and approval of the Harbor Director and maintained on file as public information. The plan shall incorporate the following:

(i) A description of how work will occur (work must be performed using non-mechanized hand tools to the maximum extent feasible).

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**(ii) Written notice of tree trimming and/or removal shall be posted and limits of tree trimming and/or removal shall be established in the field with flagging and stakes or construction fencing at least one week before work takes place. The notice and flagging/fencing does not apply to an immediate emergency situation.**

**(iii) Steps taken to ensure that tree trimming will be the minimum necessary to address the health and safety danger while avoiding or minimizing impacts to breeding and/or nesting birds and their habitat.**

**(b) Prior to commencement of tree trimming and/or tree removal the qualified biologist shall notify in writing the Department of Fish and Game and the U.S. Fish and Wildlife Service of the intent to commence tree trimming or removal.**

### **Suggested Modification No. 17**

Land Use Plan, Section VI, Subsection C – Proposed Land Use Classifications:

#### **Commercial Recreation Sub-area 1**

##### **Maximum Building Height**

- **Two Stories, 30 Feet, except two stories, 40 feet for Zone 1 D (measured above pier deck, or sidewalk grade of International Boardwalk, or sidewalk grade of Pier Plaza, as applicable.**
- **New Development shall not obstruct views from Czuleger Park to the ocean.**



## Attachment 2



Planning Department

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November 8, 2010

**RECEIVED**  
South Coast Region

NOV 10 2010

CALIFORNIA  
COASTAL COMMISSION

Gabriel Buhr  
Coastal Program Analyst  
California Coastal Commission  
200 OceanGate  
Long Beach, CA. 90802-4302

Re: Notification of Acceptance and Request for Final Certification- Harbor, Pier and Power Plant  
Local Coastal Program Amendments and Elimination of Geographic Segmentation

Dear Mr. Buhr:

The City of Redondo Beach is pleased to inform you that the Redondo Beach City Council has accepted all "suggested modifications" requested by the Coastal Commission in certifying the adopted amendments to the Coastal Zoning Ordinance and Coastal Land Use Plan for the entirety of the remaining uncertified area (Area 2) of the Redondo Beach Coastal zone, including the power generating plant area west of Catalina Avenue and the Harbor and Pier area. The amendments were also submitted to the voters and approved by a majority vote on November 2, 2010 in full compliance with Article 27 of the City Charter.

In accepting the "suggested modifications" the City has fulfilled the requirements of LCP Amendment 2-08. The City hereby requests that the Executive Director of the California Coastal Commission determine in writing that the City has complied with the Commission's July 9, 2009 action and report that determination to the Commission at the December, 2010 meeting. It is important that the item appear on the December Agenda as the extension period for the approval expires on January 9, 2011.

The following is a list of attachments to this letter:

- Ordinance No. 3050-10 amending the Coastal Zoning Ordinance to incorporate Suggested Modifications required by the California Coastal Commission in their July 9, 2009 approval and certification action.
- Resolution No. 1004-306 amending the Coastal Land Use Plan to incorporate Suggested Modifications required by the California Coastal Commission in their July 9, 2009 decision to certify the city's Local Coastal Program.
- Ordinance No. 3013-08 amending the Coastal Zoning Ordinance and Zoning Map

November 8, 2010

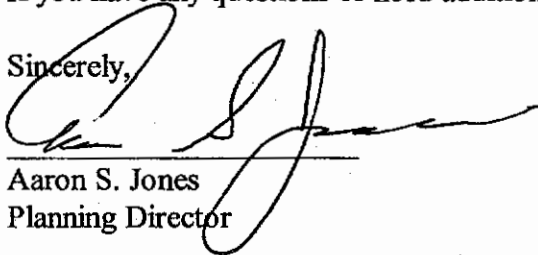
Coastal Commission Final Certification

Page 2 of 2

- Resolution No. CC-0805-48-CC certifying that the City's Local Coastal Program is intended to be carried out in a manner fully in conformity with the Coastal Act and providing that the amendments will take effect automatically upon Coastal Commission approval pursuant to Section 13518 of the California Code of Regulations
- Resolution No. CC-0805-46-CC amending the LUP
- Ordinance No. 2971-05 amending the Coastal Zoning Ordinance in conjunction with Zoning Map amendments and Coastal Land Use Plan amendments for the area bounded by N. Catalina Avenue, Beryl Street, N. Harbor Drive and Herondo Street
- Ordinance No. 2972-05 amending the Zoning Map for the area bounded by N. Catalina Avenue, Beryl Street, N. Harbor Drive and Herondo Street
- Resolution No. CC-0508-83 amending the Coastal Land Use Plan for the Area bounded by N. Catalina Avenue, Beryl Street, N. Harbor Drive and Herondo Street

If you have any questions or need additional information please call me at (310) 318-0637.

Sincerely,



Aaron S. Jones  
Planning Director

C: Gary Timm with attachments  
Bill Workman, City Manager  
Gwendolyn Parker, Harbor, Business and Transit Director

NOV 10 2010

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF REDONDO BEACH, CALIFORNIA, AMENDING  
SECTIONS 10-5.811 AND 10-5.1900 OF THE COASTAL CALIFORNIA  
ZONING ORDINANCE TO INCORPORATE SUGGESTED COASTAL COMMISSION  
MODIFICATIONS REQUIRED BY THE CALIFORNIA  
COASTAL COMMISSION IN THEIR JULY 9, 2009  
APPROVAL AND CERTIFICATION ACTION**

WHEREAS, the City Council passed, approved, and adopted Ordinance No. 3013-08, enacting certain amendments to the Redondo Beach Coastal Zoning Ordinance and Zoning Map on May 6, 2008; and

WHEREAS, in order to secure certification of the City's Local Coastal Program ("LCP") under the Coastal Act, the City Council approved the submittal of the foregoing amendments to the City's Coastal Zoning Ordinance and Zoning Map, along with amendments to the City's Coastal Land Use Plan ("LUP"), by Resolution CC-0805-48-CC on May 6, 2008; and

WHEREAS, the LCP amendments, including the Coastal Zoning Ordinance and Zoning Map amendments, were submitted to the California Coastal Commission South Coast District Office and deemed complete and in proper order for filing pursuant to Section 30510(b) of the Coastal Act on June 13, 2008; and

WHEREAS, the Coastal Commission suggested modifications to the LCP, including the Coastal Zoning Ordinance and Zoning Map amendments, to comply with Public Resources Code Chapter 3 Sections 30200 et seq., based upon its authority under Public Resources Code Sections 30512(b) and 30512.2; and

WHEREAS, the California Coastal Commission approved LCP Amendment No. 2-08, including the Coastal Zoning Ordinance and Zoning Map amendments, subject to acceptance of the suggested modifications on July 9, 2009; and

WHEREAS, the California Coastal Commission sent notice to the City of Redondo Beach informing the City that LCP Amendment No. 2-08 with modifications will not be deemed final and effective, for the purpose of delegating to the City development review authority provided for in Chapter 7 of the Coastal Act and the ability to issue coastal development permits pursuant to Public Resources Code Section 30519, until the City complies with the requirements under Title 14, California Code of Regulations, Section 13544; and

WHEREAS, to certify the LCP under the Coastal Act, Title 14, California Code of Regulations, Section 13544, requires the City to accept and agree to any modifications and take whatever formal action is required to satisfy the terms and modifications.

THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES  
HEREBY FIND AS FOLLOWS:

## SECTION 1. FINDINGS.

- A. At the time of adoption of Ordinance No. 3013-08, the City Council considered the information contained in the initial study for the proposed zoning amendments (Initial Environmental Study No. 2007-03-IIES-003) and found that all potentially significant environmental effects that may result from the Coastal Zoning Ordinance amendments had been analyzed adequately in an earlier certified EIR for the former Heart of the City project ("EIR"), and further found that the proposed amendments will have no impact on Fish and Game resources pursuant to Section 21089(b) of the Public Resources Code. The amendments enacted by this Ordinance impose certain additional standards and restrictions on development authorized by the Coastal Zoning Ordinance but do not permit any additional, different, or more intensive development than permitted by the zoning amendments enacted in Ordinance No. 3013-08. The City Council, therefore, finds that all potential significant environmental effects of the Coastal Zoning Ordinance amendments, as herein enacted, are adequately addressed in the certified EIR and that the amendments herein will not result in any new significant environmental effects nor a substantial increase in the severity of any environmental effects beyond the effects of the project analyzed in the EIR and the effects of the Coastal Zoning Ordinance as amended by the City Council in May, 2008. Therefore, the City Council further finds that a supplemental or subsequent EIR is not required.
- B. The amendments to the Coastal Zoning Ordinance are consistent with the Coastal Land Use Plan, the Harbor/Civic Center Specific Plan and Comprehensive General Plan of the City.
- C. The amendments to the Coastal Zoning Ordinance enacted by this measure will not affect the residential density, intensity of permissible development or traffic impacts of existing or permitted development in the City. The City Council has therefore determined that these amendments do not constitute Major Changes in Allowable Use with the meaning of Article XXVII of the City Charter of the City of Redondo Beach, and do not require approval of the voters to become effective.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 2. The City Council hereby finds that the above recitals are true and correct and incorporates the recitals herein by reference as if set forth in full.

SECTION 3. Section 10-5.811, Article 2, Chapter 5, Title 10 of the Redondo Beach Municipal Code is hereby reenacted as amended to read as follows, consistent with Coastal Commission Suggested Modification No. 15:

**"10-5.811 Additional land use regulations, CC coastal commercial zones.**

**(a) Offices.**

(1) **CC-1 zone.** Offices are prohibited on International Boardwalk and on the Pier, except that offices for the management and operation of on-site facilities may be permitted on the Pier above the ground floor.

ORDINANCE NO. 30-50-10  
AMENDMENTS TO COASTAL ZONING ORDINANCE TO INCORPORATE SUGGESTED MODIFICATIONS OF THE CALIFORNIA COASTAL COMMISSION

(2) **CC-3 and CC-4 zones.** Offices shall be located above the ground floor, except that marine-related offices, visitor-serving offices, and offices for management and operation of on-site facilities may be permitted on the ground floor. Offices shall not be the primary use within a master leasehold area or on sites that are not master leasehold areas.

(b) **Hotels.** Limited Use Overnight Visitor Accommodations (such as Timeshares, Condominium Hotels, and Fractional Ownership Hotels) shall be subject to conditions as determined through the Conditional Use Permit process and to the following requirements to ensure that the hotels are a visitor-serving use and that a broad range of visitor accommodations including lower cost accommodations is available in the Coastal Zone.

(1) Any hotel rooms for which a certificate of occupancy has been issued at the effective date of adoption of this Section shall not be permitted to be converted to a Limited Use Overnight Visitor Accommodation.

(2) Limited Use Overnight Visitor Accommodations shall be limited to no more than 25% of total new guestrooms (units) developed within a master leasehold area or on sites that are not master leasehold areas. All other guestrooms (units) shall be available to the general public on a daily, year-round basis.

(3) **Fractional Ownership Hotel.** Fractional ownership hotels may be permitted in the CC-2, CC-3, and CC-4 Coastal Commercial zones, except on State Tidelands, and shall be conditioned as follows:

a. A minimum of 25% of the total number of guestrooms (units) within the Fractional Ownership Hotel facility shall be available to the general public as traditional use hotel rooms year-round. A maximum of 75% of the total number of units within the facility may be owned by separate individual entities on a fractional time basis. Fractional interests sold shall not exceed three month (1/4) intervals within any one-year period.

b. The hotel owner/operator shall retain control and ownership of all structures, recreational amenities, meeting space, restaurants, "back of house" and other non-guest facilities.

c. The facility shall have an on-site hotel operator to manage rental of all guestrooms/units.

d. The non-fractional use guestrooms (units) shall be available to the general public on a daily, year-round basis.

e. The hotel operator shall manage all guestrooms/units as part of the hotel inventory, which management shall include the booking of reservations, mandatory front desk check-in and check-out, maintenance, cleaning services and preparing units for use by guests and owners.

f. When an individual owner chooses not to occupy his/her unit, that unit shall be added to the pool of hotel rooms available to the general public.

g. Fractional time owners shall have limited rights to use their units including a maximum use of 90 days per calendar year with a maximum of 30 consecutive days of use

during any 60 day period and a maximum of 30 days during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day.)

h. The hotel operator shall maintain record of usage by owners and renters and rates charged for all units, and shall be responsible for reporting Transient Occupancy Taxes based on record of use for all units, a service for which the hotel operator may charge the unit owner a reasonable fee.

i. No portion of the Fractional Ownership Hotel (neither fractional units nor traditional hotel units) may be converted to full time occupancy condominium or any other type of Limited Use Overnight Visitor Accommodations or other project that differs from the approved hotel units.

j. When an owner of a fractional interest in a unit chooses not to occupy his/her unit for any portion of the time allotted to him/her, that unit shall be available to the general public on the same basis as the traditional hotel units.

k. The hotel owner/operator shall be required to submit, prior to issuance of a coastal development permit, for the review and approval of the Harbor Director, a Declaration of Restriction or CC & R's (Covenants, Conditions, & restrictions), either of which shall include:

1. All the specific restrictions listed in subsections a through k above;
2. Acknowledgement that these same restrictions are independently imposed as condition requirements of the coastal development permit;
3. A statement that provisions of the Declaration/CC & R's that reflect the requirements of a through m above cannot be changed without approval of an LCP amendment by the Coastal Commission and subsequent coastal development permit amendment. However, minor changes that do not conflict with subsections a through m above may be processed as an amendment to the coastal development permit, unless it is determined by the Harbor Director that an amendment is not legally required. If there is a section of the Declaration/CC&R's related to amendments, and the statement provided pursuant to this paragraph is not in that section, then the section on amendments shall cross-reference this statement and clearly indicate that it controls over any contradictory statements in the section of the Declaration/CC&R's on amendments.
4. The CC & R's or Declaration of Restrictions described above shall be recorded against all individual property titles simultaneously with the recordation of the condominium airspace map.

l. The hotel owner/operator or any successor-in-interest hotel owner/operator shall maintain the legal ability to ensure compliance with the terms and conditions stated above at all times in perpetuity and shall be responsible in all respects for ensuring that all parties subject to these restrictions comply with the restrictions. Each owner of a fractional interest in a unit is jointly and severally liable with the hotel owner/operator for violations of the terms and conditions hereof imposed by the special conditions of the coastal development permit. Violations of the coastal development permit can result in penalties pursuant to Public Resources Code Section 30820.

m. All documents related to the marketing and sale of fractional interest units, including marketing materials, sales contracts, deeds, CC & R's and similar documents, shall notify buyers of the following:

1. The owners of a fractional interest in a unit are jointly and severally liable with the hotel owner/operator for any violations of the terms and conditions hereof imposed by the coastal development permit.

2. The occupancy of the units is restricted to 90 days per calendar year with a maximum of 30 consecutive days of use during any 60 day period and a maximum of 30 days during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day.), and when not in use by the owner, the unit shall be made available for rental by the hotel operator to the general public and that the coastal development permit contains additional restrictions on use and occupancy.

n. The hotel owner/operator and any successor-in-interest hotel owner/operator, and each future owner of a fractional interest in a unit shall obtain, prior to sale of a fractional interest, a written acknowledgement from the buyer that occupancy by the owner is limited to 90 days per calendar year and a maximum of 30 consecutive days of use during any 60 day period and a maximum of 30 days during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day), that the unit must be available for rental by the hotel operator to the general public when not occupied by the owner, and that there are further restrictions on use and occupancy in the coastal development permit and the CC & R's or Declaration of Restrictions.

o. The hotel owner/operator and any successor-in-interest hotel owner/operator shall monitor and record hotel occupancy and use by the general public and the owners of a fractional interest in a unit throughout each year. The monitoring and record keeping shall include specific accounting of owner usage for each individual guestroom/unit. The records shall be sufficient to demonstrate compliance with restrictions set forth above in this section. The hotel owner/operator shall also maintain documentation of rates paid for hotel occupancy and of advertising and marketing efforts. All such records shall be maintained for ten years and shall be made available to the City, and to the Executive Director of the Coastal Commission upon request and to the auditor required by subsection p below. Within 30 days of commencing hotel operations, the hotel owner/operator shall submit notice to the Harbor Director and to the Executive Director of the California Coastal Commission of commencement of hotel operations.

p. Within 90 days of the end of the first calendar year of hotel operations, and within 90 days of the end of each succeeding calendar year, the hotel owner/operator shall retain an independent auditing company, approved by the Harbor Director, to perform an audit to evaluate compliance with special conditions of the coastal development permit which are required by this Section regarding notice, record keeping, and monitoring of the Fractional Interest Hotel. The audit shall evaluate compliance by the hotel owner/operator and owners of fractional interests in a unit during the prior calendar year period. The hotel owner/operator shall instruct the auditor to prepare a report identifying the auditor's findings, conclusions and evidence relied upon, and such report shall be submitted to the Harbor Director, for review and approval, and shall be available to the Executive Director of the Coastal Commission upon request, within six months after the conclusion of each one year period of hotel operations. After the initial five calendar years, the one-year audit period may be extended to two years

upon written approval of the Harbor Director. The Harbor Director may grant such approval if each of the previous audits revealed compliance with all restrictions imposed above.

(4) **Condominium-Hotel.** Condominium-hotels may be permitted in the CC-2, CC-3, and CC-4 Coastal Commercial zones, except on State Tidelands, and shall be conditioned as follows:

a. The hotel owner/operator shall retain control and ownership of all structures, recreational amenities, meeting space, restaurants, "back of house" and other non-guest facilities.

b. The facility shall have an on-site hotel operator to manage rental of all guestrooms/units. Whenever any individually owned hotel unit is not occupied by its owner(s), that unit shall be available for hotel rental by the general public on the same basis as a traditional hotel room.

c. The hotel operator shall market and advertise all rooms to the general public. Unit owners may also independently market and advertise their units but all bookings of reservations shall be made by and through the hotel operator.

d. The hotel operator shall manage all guestrooms/units as part of the hotel inventory, which management shall include the booking of reservations, mandatory front desk check-in and check-out, maintenance, cleaning services and preparing units for use by guests and owners, a service for which the hotel operator may charge the unit owner a reasonable fee.

e. If the hotel operator is not serving as the rental agent for an individually owned unit, then the hotel operator shall nevertheless have the right, working through the individually owned units' owners or their designated agents, to book any unoccupied room to fulfill demand, at a rate similar to comparable accommodations in the hotel. The owner or an owner's rental agent may not withhold units from use. In all circumstances, the hotel operator shall have full access to the condominiums' reservation and booking schedule so that the operator can fulfill its booking and management obligations hereunder.

f. All guestroom/unit keys shall be electronic and created by the hotel operator upon each new occupancy to control the use of the individually owned units.

g. Unit owners shall not discourage rental of their unit or create disincentives meant to discourage rental of their unit.

h. All individually owned hotel units shall be rented a rate similar to that charged by the hotel operator for the traditional hotel rooms of a similar class or amenity level.

i. The hotel operator shall maintain record of usage by owners and renters and rates charged for all units, and shall be responsible for reporting Transient Occupancy Taxes based on records of use for all units, a service for which the hotel operator may charge the unit owner a reasonable fee.

j. Each individually owned hotel unit shall be used by its owner(s) (no matter how many owners there are) for not more than 90 days per calendar year with a maximum of 30 consecutive days of use during any 60 day period and a maximum of 30 days during the



summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day.)

k. The use period limitations identified in subsection j above, shall be unaffected by multiple owners or the sale of a unit to a new owner during the calendar year, meaning that all such owners of any given unit shall be collectively subject to the use restriction as if they were a single, continuous owner.

l. No portion of the Condominium-Hotel may be converted to full-time occupancy condominium or any other type of Limited Use Overnight Visitor Accommodations or other project that differs from the approved Condominium-Hotel.

m. The hotel owner/operator shall be required to submit, prior to the issuance of a coastal development permit, for the review and approval of the Harbor Director, a Declaration of Restrictions or CC & R's (Covenants, Conditions & Restrictions), either of which shall include:

1. All the specific restrictions listed in subsections a through l above;
2. Acknowledgement that these same restrictions are independently imposed as condition requirements of the coastal development permit;
3. A statement that provisions of the Declaration/CC & R's that reflect the requirements of a through m above cannot be changed without approval of an LCP amendment by the Coastal Commission and subsequent coastal development permit amendment. However, minor changes that do not conflict with subsections a through l above may be processed as an amendment to the coastal development permit, unless it is determined by the Harbor Director that an amendment is not legally required. If there is a section of the Declaration/CC&R's related to amendments, and the statement provided pursuant to this paragraph is not in that section, then the section on amendments shall cross-reference this statement and clearly indicate that it controls over any contradictory statements in the section of the Declaration/CC&R's on amendments.

n. The CC & R's or Declaration of Restrictions described above shall be recorded against all individual property titles simultaneously with the recordation of the condominium airspace map.

o. The provisions of the CC & R's or Declaration of Restrictions described above shall not be changed without approval of an amendment to the LCP by the Coastal Commission. However minor changes that do not conflict with subsections a through n above may be processed as an amendment to the coastal development permit, unless it is determined by the Harbor Director that an amendment is not legally required.

p. The hotel owner/operator or any successor-in-interest hotel owner/operator shall maintain the legal ability to ensure compliance with the terms and conditions stated above at all times in perpetuity and shall be responsible in all respects for ensuring that all parties subject to these restrictions comply with these restrictions. Each owner of an individual guest room/condominium unit is jointly and severally liable with the hotel owner-operator for any and all violations of the terms and conditions imposed by the special conditions of the coastal development permit with respect to the use of that owner's unit. Violations of the coastal development permit can result in penalties pursuant to Public Resource Code Section 30820.

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q. All documents related to the marketing and sale of the condominium interests, including marketing materials, sales contracts, deeds, CC & R's and similar documents, shall notify buyers of the following:

1. Each owner of any individual hotel unit is jointly and severally liable with the hotel owner-operator for any violations of the terms and conditions of the coastal development permit with respect to the use of that owner's unit; and

2. The occupancy of the units by owner(s) is restricted to 90 days per calendar year with a maximum of 30 consecutive days of use during any 60 day period and a maximum of 30 days during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day.), and when not in use by the owner, the unit shall be made available for rental by the hotel operator to the general public per the terms of the coastal development permit and that the coastal development permit contains additional restrictions on use and occupancy.

r. The hotel owner/operator and any successor-in-interest hotel owner and operator, and each future individual unit owner shall obtain, prior to sale of individual units, a written acknowledgement from the buyer that occupancy by the owner is limited to 90 days per calendar year with a maximum of 30 consecutive days of use during any 60 day period and a maximum of 30 days during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day), that the unit must be available for rental by the hotel operator to the general public when not occupied by the owner, and that there are further restrictions on use and occupancy in the coastal development permit and the CC & R's or Declaration of Restrictions.

s. The hotel owner/operator and any successor-in-interest hotel owner/operator shall monitor and record hotel occupancy and use by the general public and the owners of a fractional interest in a unit throughout each year. The monitoring and record keeping shall include specific accounting of owner usage for each individual guestroom/unit. The records shall be sufficient to demonstrate compliance with the restrictions set forth above in this section. The hotel owner/operator shall also maintain documentation of rates paid for hotel occupancy and of advertising and marketing efforts. All such records shall be maintained for ten years and shall be made available to the City, and to the Executive Director of the Coastal Commission upon request and to the auditor required by subsection t below. Within 30 days of commencing hotel operations, the hotel owner/operator shall submit notice to the Harbor Director and to the Executive Director of the California Coastal Commission of commencement of hotel operations.

t. Within 90 days of the end of the first calendar year of hotel operations, and within 90 days of the end of each succeeding calendar year, the hotel owner-operator shall retain an independent auditing company, approved by the Harbor Director, to perform an audit to evaluate compliance with special conditions of the coastal development permit which are required by this Section regarding occupancy restrictions, notice, recordkeeping, and monitoring of the Condominium-Hotel. The audit shall evaluate compliance by the hotel owner/operator and owners of individual hotel units during the prior one-year period. The hotel owner/operator shall instruct the auditor to prepare a report identifying the auditor's findings, conclusions and the evidence relied upon, and such report shall be submitted to the Harbor Director, for review and approval, and shall be available to the Executive Director of the Coastal Commission upon request, within six months after the conclusion of each one year period of hotel operations.

ORDINANCE NO. 30-50-10

AMENDMENTS TO COASTAL ZONING ORDINANCE TO INCORPORATE SUGGESTED MODIFICATIONS OF THE CALIFORNIA COASTAL COMMISSION

After the initial five calendar years, the one-year audit period may be extended to two years upon written approval of the Harbor Director. The Harbor Director may grant such approval if each of the previous audits revealed compliance with all restrictions imposed above.

u. A coastal development permit application for a Condominium-Hotel shall include a plan specifying how the requirements outlined in this section will be implemented. The plan must include, at a minimum, the form of the sale, deed and CC & R's/Declaration of Restrictions that will be used to satisfy the requirements and the form of the rental program agreement to be entered into between the individual unit owners and the hotel owner/operator. The plan must demonstrate that the applicant will establish mechanisms that provide the hotel operator and any successor-in-interest hotel operator adequate legal authority to implement the requirements of this section. An acceptable plan meeting these requirements shall be incorporated into the special conditions of approval of any coastal development permit for a Condominium-Hotel. Any proposed changes to the approved plan and subsequent documents pertaining to compliance with and enforcement of the terms and conditions required by this section including deeds and CC&R's/Declaration of Restrictions shall not occur without an amendment to the coastal development permit, unless it is determined by the Harbor Director that an amendment is not legally required.

(5) **Timeshares.** Timeshares may be permitted in the CC-2, CC-3 and CC-4 Coastal Commercial zones, except on State Tidelands, and shall be conditioned as follows:

a. Management of the timeshare facility shall ensure that at least 25% of the units within any given facility shall be made available each day for transient overnight accommodations during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day).

b. The timeshare facility shall operate as a hotel including requirements for a centralized reservations system, check-in services, advertising, security, and daily housecleaning.

c. No person shall occupy any unit or units within a given facility for more than 60 days per calendar year and no more than 30 days during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day).

(6) Prior to issuance of a coastal development permit for any type of hotel facility, the landowner(s) of the property(ies) or hotel owner on a leasehold upon which the existing and/or approved traditional hotel units/rooms (i.e. transient hotel rooms) are or will be developed shall execute and record a deed restriction(s), subject to the review and approval of the Harbor Director and the Executive Director of the Coastal Commission, which prohibits the conversion of traditional hotel units/rooms to any other type of ownership (e.g. limited use overnight visitor accommodations). The deed restriction(s) shall run with the land, shall be executed and consented to by the existing lessee(s) of the affected property(ies) and shall be binding on the landowner(s), lessee(s), and on all successors and assigns of the landowner(s) and lessee(s), including without limitation any future lienholders. The deed restriction(s) shall not be removed or changed without approval of an amendment to the LCP by the Coastal Commission and to the underlying coastal development permit.

(7) If the hotel owner and the hotel operator at any point become separate entities, the hotel owner and the hotel operator shall be jointly and severally responsible for ensuring compliance with the requirements identified above. If the hotel owner and hotel

operator become separate entities, they shall be jointly and severally liable for violations of the terms and conditions (restrictions) identified above.

(8) **In Lieu Fee Required.** Lower cost visitor accommodations shall be protected, encouraged, and where feasible provided. In the Coastal Zone when demolition of existing lower cost overnight visitor accommodations or when Hotels or Limited Use Overnight Visitor Accommodations are proposed that include high-cost overnight visitor accommodations, an in-lieu fee in an amount necessary to off-set the lack of the preferred lower cost facilities in Redondo Beach shall be imposed. The fee shall be \$30,000 per room that mitigation is required for, and the fee shall be adjusted annually to account for inflation according to increases in the Consumer Price Index U.S. City Average. If as a part of a proposed development all units for which an in-lieu fee would be required are replaced by lower cost overnight visitor accommodations within the Coastal Zone of Redondo Beach, the in-lieu fee shall be waived.

An in-lieu fee shall be required for new development of overnight visitor accommodations in the coastal zone that are not low or moderate cost facilities. These in-lieu fee(s) shall be required as a condition of approval of a coastal development permit, in order to provide significant funding to support the establishment of lower cost overnight visitor accommodations within the coastal area of Los Angeles County, and preferably within the City of Redondo Beach's coastal zone. The fee shall apply to 25% of the total number of proposed units that are high-cost overnight visitor accommodations or limited use overnight visitor accommodations.

When referring to any overnight visitor accommodations, lower cost facilities shall be defined as any facility with room rates that are below 75% of the Statewide average room rate, and higher cost facilities shall be defined as any facility with room rates that are 125% above the Statewide average room rate. Statewide average room rates can be calculated by the Smith Travel Research website ([www.visitcalifornia.com](http://www.visitcalifornia.com)) or other analogous method used to arrive at an average Statewide room rate value.

An in-lieu fee shall be required for any demolition of existing lower cost overnight visitor accommodations, unless all those units are replaced by lower cost overnight visitor accommodations, in which case the in-lieu fee shall be waived. This in-lieu fee shall be required as a condition of approval of a coastal development permit, in order to provide significant funding to support the establishment of lower cost overnight visitor accommodations within the coastal area of Los Angeles County, and preferably within the City of Redondo Beach's coastal zone. A per-unit fee for the total number of existing lower cost overnight units that are demolished and not replaced shall be required.

Where a proposed development includes both demolition of existing low cost overnight visitor accommodations and their replacement with high cost overnight visitor accommodations, the fee shall also apply to the 25% of the number of high cost rooms/units in excess of the number being lost.

Prior to issuance of the coastal development permit, and upon execution of an appropriate agreement between the City and the designated recipient that assures use of the in-lieu fee to assist in the creation of lower cost overnight visitor accommodations within the nearby coastal region, the applicant shall transfer the fee to the entity designated by the agreement.

(c) **Tidelands.** (lands west of the mean high tide line as defined in the City's Tidelands Trust agreement, and other parcels so designated excluding those parcels removed by the State's 1971 amendment to the City's Tidelands Trust agreement). Permitted uses shall

be limited to those uses dedicated to public trust purposes consistent with state law. Office uses shall not be permitted except for the management and operation of on-site facilities.

(d) **Mole B.** The primary permitted uses on Mole B shall be for boating facilities (such as boating clubs, boating instruction, boat storage, Harbor Patrol, and similar support facilities); and parks and recreation and public open space. Other public uses supporting these primary uses may be permitted.

(e) **Water portion of leasehold areas.** Marinas and boating facilities in the water portion of the harbor area shall be subject to a Conditional Use Permit with all development standards determined by the decision-making body. Water areas shall not be included in calculations of floor area ratio."

SECTION 4. Section 10-5.1900, Article 7, Chapter 5, Title 10 of the Redondo Beach Municipal Code is hereby reenacted as amended to add subsection (h) to read as follows, consistent with Coastal Commission Suggested Modification No. 16:

**"10-5.1900 Landscaping regulations.**

(a) **Purpose.** The purpose of this section is to establish standards for installation of landscaping in order to enhance the aesthetic appearance of properties within the City, ensure the quality, quantity, and appropriateness of landscape materials, effect a functional and attractive design, improve compatibility between land uses, conserve water, control soil erosion, and preserve the character of existing neighborhoods.

(b) **Criteria.** Planting areas within development projects for which a landscape plan is required pursuant to subsection (c) of this section shall comply with the following criteria:

**(1) Plant location.**

a. All required setbacks shall be landscaped with live plants except for walkways, driveways, parking areas and patio areas. Non-organic groundcover shall not be used in place of plant material in planter areas unless utilized as a decorative accent.

b. Plants shall be grouped according to similar water needs.

c. Plants shall not interfere with safe sight distances or otherwise block vehicular, bicycle or pedestrian traffic, or conflict with the installation, maintenance, or repair of any public utility.

d. A planting area a minimum of eighteen (18) inches in width shall separate a building from a driveway or parking area as feasible.

e. Parking lots shall be separated from street frontages and from abutting uses by planting areas. In addition, planting areas shall be interspersed among the parking stalls as feasible, including provision of trees for appearance and shade.

f. Trees shall be planted at least five (5) feet from a public sidewalk, except that the Planning Director may require a greater distance for species that may, over time, cause damage to the sidewalk or other public infrastructure. The Planning Director may require installation of root control barriers where necessary to protect public sidewalks.

ORDINANCE NO. 30-50-10

AMENDMENTS TO COASTAL ZONING ORDINANCE TO INCORPORATE SUGGESTED MODIFICATIONS OF THE CALIFORNIA COASTAL COMMISSION

**(2) Plant Type.**

a. Drought-tolerant plants shall be used where feasible. Recommended drought-tolerant plant species are listed in the City of Redondo Beach List of Recommended Trees and Water Conserving Plants maintained by the Superintendent of Parks. Other plants consistent with the intent of this section, but not included in the List of Recommended Trees and Water Conserving Plants, may be approved by the Planning Director. The Planning Director may also permit limited use of tree, shrub, and groundcover species not adapted to the dry summer climate if it can be demonstrated that:

1. The plant species and landscape changes to provide for the plant species is compatible with the visual quality of the project and has no harmful impact to the surrounding area; and

2. The non-native/adapted plant is irrigated by runoff water from other landscape areas and/or turf area is reduced to compensate for the increased irrigation water required for the plant species.

b. Plants shall complement the architectural design of structures on the site, and shall be suitable for the soil and climatic conditions specific to the site.

c. Plants shall be compatible with the character of the neighborhood.

d. Plants shall be adaptable to Redondo Beach's coastal environment.

e. Trees that may, over time, cause damage to public and/or private sidewalks, sewer lines, and other infrastructure shall be avoided, unless the Planning Director determines that the tree is located a sufficient distance from such infrastructure to prevent damage. Information on the suitability or lack of suitability of different tree species is contained in the City of Redondo Beach List of Recommended Trees and Water Conserving Plants maintained by the Superintendent of Parks. Trees not listed that are determined to be consistent with the criteria of this section may be approved by the Planning Director.

f. Trees should be planted to shade turf, groundcover, and shrub planting areas to reduce water evaporation from these areas.

g. Non-residential developments. Turf (grass) area (excluding parkways between the public sidewalk and street) shall not exceed twenty (20%) percent of the total landscape area for non-residential developments, except that higher percentages may be permitted when turf is an essential part of the development such as for playing fields for schools or parks, or integral to the design of the project as determined through the applicable design review procedures.

1. Lower water usage turf or warm season grasses are recommended for all turf areas;

2. Use of turf shall be avoided in landscape areas with a dimension of less than eight (8) feet.

3. It is recommended that turf be separated from new trees to prevent over-watering of the tree, surface rooting, crown-rot, and damage of the tree trunk by grass trimming equipment;

4. If trees are to be planted in a turf area, only deep-rooted tree species should be used, turf irrigation and drainage should be directed away from the tree, and the tree should be irrigated by a combined bubbler/deep waterpipe fixture.

**(3) Plant size.**

a. Plants shall be sized and spaced to achieve immediate effect and shall normally not be less than a fifteen (15) gallon container for trees, five (5) gallon container for shrubs, and a one gallon container for mass planting. Groundcover coverage must be 100 percent in one year, with rooted cuttings from flats planted no more than twelve (12) inches on center, and containerized woody, shrub ground cover planted no more than three (3) feet on center.

b. Landscape plans shall incorporate existing mature trees with trunk diameters of six (6) inches or greater that are compatible with the proposed grades, structures and hardscape. Specimen trees, thirty-six (36) inch box, or larger may be used to replace an existing mature tree that cannot feasibly be saved.

**(4) Planting areas.**

a. All planting areas shall be served by a permanent underground clock-operated water-efficient irrigation system. A drip irrigation system or other water conserving irrigation system may be required where feasible.

b. All sloped planting areas abutting hardscape shall be surrounded with a minimum six (6) inch high concrete curb where necessary to prevent erosion.

**(5) Parking lots.** New surface parking lots containing ten (10) or more parking spaces shall provide a minimum of one shade tree for every six (6) spaces. The Planning Commission may also require provision of trees and other landscaping in parking lots in conjunction with any project subject to Planning Commission Design Review.

**(c) Landscape and irrigation plans required, for projects other than single-family developments.** A landscape plan and irrigation plan drawn to scale and dimensioned shall be submitted to the Planning Division for all new projects in all nonresidential zones, and for all new residential projects of two (2) or more units. A landscape plan and irrigation plan may be required in conjunction with other projects requiring Administrative Design Review, Planning Commission Review, Conditional Use Permit, or Variance.

**(1) Landscape plan, contents.** A landscape plan shall contain at a minimum the following information:

- a. List of plants (common and Latin);
- b. Plant size;
- c. Plant location, with size and type identification



(2) **Irrigation plan, contents.** An irrigation plan shall contain at a minimum the following information:

- a. Location, type and size of lines;
- b. Location, type, gallonage output, and coverage of heads;
- c. Location and sizes of valves;
- d. Location and type of controller;
- e. Location and type of backflow prevention device;
- f. Available water pressure, water meter outlet size, and flow rates at meter.

(3) For purposes of this section, new project shall mean the addition of 1,000 square feet or more of floor area on a vacant site or the addition or reconstruction of 1,000 square feet or more of floor area made in conjunction with demolition of fifty (50%) percent or more of the total floor area of existing development on the lot.

(d) **Landscape requirements for new single-family projects.** For new single family projects, a site plan shall be required showing the type and location of proposed trees and their distance from public infrastructure. The landscaping regulations pursuant to this article shall not apply to single family developments except for the criteria in subsection (b)(2)(e.) of this section relating to location of trees to protect public infrastructure from damage.

(1) For purposes of this section, new project shall mean the addition of 1,000 square feet or more of floor area on a vacant site or the addition or reconstruction of 1,000 square feet or more of floor area made in conjunction with demolition of fifty (50%) percent or more of the total floor area of existing development on the lot.

(e) **Maintenance of landscape.** Planting areas shall be permanently maintained, including watering, weeding, pruning, trimming, edging, fertilizing, insect control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of plant materials. All trees, shrubs, and plants which, due to accident, damage, disease, or other cause, fail to show a healthy growth shall be replaced. Replacement plants shall conform to all the standards which govern the original planting installation.

(f) **Street tree requirements.** Street tree species, size, spacing, and planting standards shall be subject to approval of the Superintendent of Parks. The Superintendent of Parks shall select street trees taking into consideration the following criteria: that the selected tree as proposed to be located will not harm public sidewalks, streets, and infrastructure; that the tree is consistent with water conservation objectives; that the tree requires low maintenance and no pesticides; that the tree will enhance the visual character and identity of City streets; and that the tree complements appropriate existing street trees. Appropriate street trees include, but are not necessarily limited to, trees included in the City of Redondo Beach List of Recommended Trees and Water Conserving Plants. No existing street tree shall be removed without the approval of the City.



(g) **R-1 zone, areas with no parkways.** In the R-1 zone, in areas with no parkways, in conjunction with the construction of new homes, existing mature trees in the front yard that are compatible with the proposed development shall be preserved. A specimen tree, twenty-four (24) inch box, or larger shall be planted in the front yard where there are no existing mature trees or to replace existing mature trees that cannot feasibly be saved.

(h) **Tree Trimming within the Harbor/Pier Area.** The trimming and/or removal of any trees that have been used for breeding and nesting by bird species listed pursuant to the federal or California Endangered Species Acts, California bird species of special concern, and wading birds (herons or egrets) within the past five (5) years, as determined by a qualified biologist or ornithologist, shall be undertaken in compliance with all applicable codes and regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the U.S. Migratory Bird Treaty Act.

(1) No tree trimming or removal shall take place during breeding and nesting season (January through September) unless a tree is determined by a qualified arborist to be a danger to public health and safety. A health or safety danger exists if a tree or branch is dead, diseased, dying, or injured and is seriously compromised. Tree trimming or removal shall only be carried out from October 1 through December 31.

(2) Trees or branches with a nest of a wading bird (heron or egret), a state or federal listed species, or a California bird species of special concern that has been active anytime in the last five years shall not be removed or disturbed unless a health and safety danger exists.

(3) Any breeding or nesting tree that must be removed shall be replaced at a 1:1 ratio. Replacement trees shall be native or regionally appropriate non-natives and non-invasive.

a. A tree replacement and planting plan for each tree replacement shall be developed to specify replacement tree locations, tree size (no less than 36" box size), planting specifications, and a five year monitoring program with specific performance standards.

b. An annual monitoring report for tree replacement shall be submitted for the review and approval of the Harbor Director and maintained on file as public information.

(4) Tree trimming or removal during the non-breeding and non-nesting season (October 1 through December 31) shall follow the following procedures.

a. Prior to tree trimming or removal, a qualified biologist shall survey the trees to be trimmed or removed to detect nests and submit the surveys to the Harbor Department. Tree trimming or removal may proceed if a nest is found, but has not been used within the prior 5 years and no courtship or nesting behavior is observed.

b. In the event that a wading bird (heron or egret) species, a state or federal listed species, or a California bird species of special concern return or continue to occupy trees during the non-nesting season (October 1 through December 31), trimming shall not take place until a qualified biologist has assessed the site, determined that courtship behavior has not commenced, and has given approval to proceed within 300 feet of any occupied tree (500 feet for raptor species (e.g., bald eagles, osprey, owls)).

c. Trimming of nesting trees shall not encroach within 10 feet of an unoccupied nest of any of the bird species referenced above. The amount of trimming at any one time shall be limited to preserve the suitability of the nesting tree for breeding and/or nesting habitat.

d. Written notice of tree trimming and/or removal shall be posted and limits of tree trimming and/or removal shall be established in the field with flagging and stakes or construction fencing at least one week before work takes place. The notice and flagging/fencing does not apply to an immediate emergency situation.

(5) Tree trimming or removal during breeding and nesting season (January-September) shall be undertaken only because a health and safety danger exists, as determined by a qualified arborist, in consultation with the Harbor Department and the City of Redondo Beach, and shall use the following procedures:

a. A qualified biologist shall conduct surveys and submit a report at least one week prior to the trimming or removal of a tree (only if it is posing a health or safety danger) to detect any breeding or nesting behavior in or within 300 feet (500 feet for raptors) of the work area. An arborist, in consultation with the qualified biologist, shall prepare a tree trimming and/or removal plan. The survey report and tree trimming and/or removal plan shall be submitted for the review and approval of the Harbor Director and maintained on file as public information. The plan shall incorporate the following:

1. A description of how work will occur (work must be performed using non-mechanized hand tools to the maximum extent feasible).

2. Written notice of tree trimming and/or removal shall be posted and limits of tree trimming and/or removal shall be established in the field with flagging and stakes or construction fencing at least one week before work takes place. The notice and flagging/fencing does not apply to an immediate emergency situation.

3. Steps taken to ensure that tree trimming will be the minimum necessary to address the health and safety danger while avoiding or minimizing impacts to breeding and/or nesting birds and their habitat.

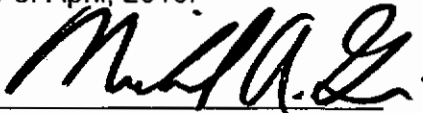
b. Prior to commencement of tree trimming and/or tree removal the qualified biologist shall notify in writing the Department of Fish and Game and the U.S. Fish and Wildlife Service of the intent to commence tree trimming or removal."

**SECTION 5. INCONSISTENT PROVISIONS.** Any provisions of the Redondo Beach Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

**SECTION 6. SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 7. PUBLICATION AND EFFECTIVE DATE. This ordinance shall be published by one insertion in the Easy Reader, the official newspaper of said City, and same shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption, except that for the purposes of City approval of Coastal Development Permits, this ordinance shall be effective on the date of certification by the Coastal Commission.

PASSED, APPROVED AND ADOPTED this 20<sup>th</sup> day of April, 2010.

  
Mike Gin, Mayor

ATTEST:

STATE OF CALIFORNIA                    )  
COUNTY OF LOS ANGELES            )     SS  
CITY OF REDONDO BEACH             )

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that the foregoing Ordinance No. 3050-10 was duly introduced at a regular meeting of the City Council held on the 6th day of April 6, 2010 and was duly approved and adopted by the City Council at a regular meeting of said City Council held on the 20th day of April, 2010, by the following vote:

AYES:           ASPEL, AUST, DIELS, KILROY

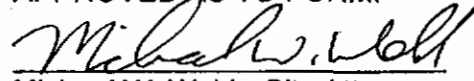
NOES:           BRAND

ABSENT:        NONE

ABSTAIN:       NONE

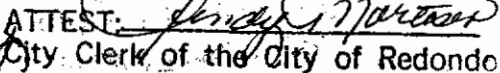
  
Eleanor Manzano, City Clerk

APPROVED AS TO FORM:

  
Michael W. Webb, City Attorney

This is certified to be a true  
and correct copy of the original  
on file in this office.

DATED: 11-08-10

ATTEST:   
City Clerk of the City of Redondo  
Beach, State of California

**RESOLUTION NO. CC- 1004-306**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING THE COASTAL LAND USE PLAN TO INCORPORATE SUGGESTED MODIFICATIONS REQUIRED BY THE CALIFORNIA COASTAL COMMISSION IN ITS JULY 9, 2009 DECISION TO CERTIFY THE CITY'S LOCAL COASTAL PROGRAM**

WHEREAS, the City Council passed, approved, and adopted amendments to the Redondo Beach Coastal Land Use Plan ("Coastal LUP"), in Resolution No. CC-0805-48-CC on May 6, 2008; and

WHEREAS, in order to secure certification of the City's Local Coastal Program ("LCP") under the Coastal Act, the City Council approved Resolution CC-0805-48-CC on May 6, 2008, directing the submittal of the amendments to the Coastal LUP, amendments to the City's Coastal Zoning Ordinance, and other previously adopted measures, to the California Coastal Commission for certification; and

WHEREAS, the LCP amendments, including the Coastal LUP amendments, were submitted to the California Coastal Commission South Coast District Office and deemed complete and in proper order for filing pursuant to Section 30510(b) of the Coastal Act on June 13, 2008; and

WHEREAS, the Coastal Commission suggested modifications to the LCP amendments, including the Coastal LUP amendments, based upon its authority under Public Resources Code Sections 30512(b) and 30512.2; and

WHEREAS, the California Coastal Commission approved Redondo Beach LCP Amendment No. 2-08, including the Coastal LUP amendments, subject to suggested modifications on July 9, 2009; and

WHEREAS, the California Coastal Commission sent notice to the City of Redondo Beach informing the City that the certification of the LCP, as amended by Redondo Beach LCP Amendment No. 2-08 and additional modifications recommended by the Coastal Commission, will not be deemed final and effective, for the purpose of delegating to the City development review authority provided for in Chapter 7 of the Coastal Act and the ability to issue coastal development permits pursuant to Public Resources Code Section 30519, until the City complies with the requirements of Title 14, California Code of Regulations, Section 13544; and

WHEREAS, to certify the LCP under the Coastal Act, Title 14, California Code of Regulations, Section 13544, requires the City to accept and agree to any modifications and take whatever formal action is required to satisfy the terms and modifications.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

**SECTION 1. FINDINGS**

A. The City council hereby finds that the above recitals are true and correct.

RESOLUTION NO. CC-1004-306

AMENDMENTS TO COASTAL LAND USE PLAN TO INCORPORATE SUGGESTED MODIFICATIONS OF THE CALIFORNIA COASTAL COMMISSION

- B. The recommended modifications to the Coastal LUP accepted herein are consistent with the policies of the California Coastal Act and with the Redondo Beach Coastal Zoning Ordinance, General Plan, and Harbor/Civic Center Specific Plan.
- C. At the time of adoption of Resolution No. CC-0805-48-CC, the City Council considered the information contained in the initial study for the proposed Coastal LUP amendments (Initial Environmental Study No. 2007-03-IES-003) and found that all potentially significant effects that may result from the proposed amended Coastal LUP had been analyzed adequately in the earlier certified Environmental Impact Report for the former Heart of the City project ("EIR"). The amendments enacted by this Resolution impose certain additional standards and restrictions on development authorized by the Coastal LUP but do not permit any additional, different or more intensive development than permitted by the Coastal LUP as adopted in Resolution No. CC-0805-48-CC. The City Council, therefore, finds that all potential significant environmental effects of the Coastal LUP amendments herein are adequately addressed in the certified EIR and that the amendments will not result in any new significant environmental effects nor a substantial increase in the severity of any environmental effects beyond the effects of the project analyzed in the EIR nor beyond the effects of the Coastal LUP as amended on May 6, 2008. Therefore, the City Council further finds that a supplemental or subsequent EIR is not required.
- D. The City Council finds that the proposed amendments will have no impact on Fish and Game Resources pursuant to Section 21089(b) of the Public Resources Code.
- E. The proposed Local Coastal Program with the Coastal Commission modifications is intended to be carried out in a manner that is in full conformity with the Coastal Act.
- F. The proposed amendments to the Coastal LUP meet the requirements of, and are in conformity with, the policies of Chapter 3 of the Coastal Act, including but not limited to: the protection and provision of public access; the protection and encouragement of facilities that provide public recreation; the protection of the marine environment; the protection of the scenic and visual quality of coastal areas; and the reservation of land along and near the coast for priority uses. Including coastal dependent, visitor serving uses and recreation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 2. The City council hereby incorporates the above recitals herein by reference as if set forth in full.

SECTION 3. The City Council hereby amends the first two paragraphs of Subsection C of Section VI ("Proposed Land Use Classifications") of the Coastal Land Use Plan contained in Resolution CC-0805-46-CC and adds an additional paragraph to read as follows, consistent with Coastal Commission Suggested Modification No.1:

RESOLUTION NO. CC-1004-306

AMENDMENTS TO COASTAL LAND USE PLAN TO INCORPORATE SUGGESTED MODIFICATIONS OF THE CALIFORNIA COASTAL COMMISSION

#### "C. Proposed Land Use Classifications

The following land use classifications in conjunction with the coastal land use plan map for the Coastal Zone (Exhibit H) and the policies as set forth in this Coastal Plan will guide the future growth and development of the City's Coastal Zone. This section was substantially updated in 1999 for consistency with the City's General Plan, including more specific land use and development standards.

The Coastal Commission certified the implementation section of the City of Redondo Beach LCP in 2003 for Area 1 of the Coastal Zone (including the entire Coastal Zone except for the AES Generating Plant site, the Harbor/Pier area, and the North Catalina Avenue corridor between Beryl Street and North Pacific Coast Highway which comprise Area 2 of the Coastal Zone). Development of the implementation section for Area 2 of the Coastal Zone is expected to be completed by 2009.

Upon effective certification of City of Redondo Beach LPCA No. 2-08, the segmentation of the coastal zone within the City of Redondo Beach into two geographic units shall expire. Thereafter, the entire coastal zone within the City of Redondo Beach shall be treated as one geographic unit."

SECTION 4. The City Council hereby amends the text of Subsection C of Section VI ("Proposed Land Use Classifications") of the Coastal Land Use Plan governing Commercial Recreation Sub-area 2, as adopted in Resolution CC-0805-46-CC to read as follows, consistent with Coastal Commission Suggested Modification No.2:

#### "Commercial Recreation Sub-area 2

##### Primary Land Uses

- Local Serving and Visitor-Serving Retail Uses
- Restaurants and other Food and Beverage Uses
- Hotels
- Limited Use Overnight Visitor Accommodations (except on designated State Tidelands)
- Multi-Purpose Private Recreational Uses (except on State Tidelands)
- Marina and Marina related Facilities
- Entertainment Clubs
- Yachting and Boating Clubs
- Public Open Space/Recreational Uses

##### Additional Land Uses

- Structured and Surface Parking Facilities
- Commercial Office Land Uses (marina-related offices, visitor serving offices and offices for management and operation of on-site facilities may be permitted on ground floor and on State Tidelands, all other commercial office uses shall be located above the ground floor and shall not be allowed on State Tidelands)

Tidelands (lands west of the mean high tide line). Permitted uses shall be limited to those uses dedicated to the public trust purposes consistent with state law. Office uses shall not be permitted except for the management of on-site facilities. Limited Use Overnight Visitor

Accommodations (including but not limited to Condominium Hotels, Timeshares, Fractional Ownership Hotels) shall not be permitted on State Tidelands.

Maximum Building Density

- The floor area ratio (FAR) of all buildings in sub-area 2 shall not exceed 0.35, except that FAR bonuses may be permitted as allowed in the Zoning Ordinance for inclusion of hotels and/or offices above the ground level and/or for the provision of substantial and high quality public amenities, public spaces, and public improvements. Maximum FAR with bonuses shall not exceed 0.65. The future intensity of new development which may be allowed to occur within the area will be determined on a case-by-case review basis, through the established public review process, as individual proposals are received.
- Cumulative development for Commercial Recreation district sub-areas 1 – 4 shall not exceed a net increase of 400,000 square feet of floor area based on existing land use on April 22, 2008.
- New development projects shall include view corridors to the water from N. Harbor Drive.

Maximum Building Height (measured from existing sidewalk grade at Harbor Drive at the point nearest to the building or structure)

- Sub-area 2a: Height is limited to a maximum of two stories, 37 feet and no more than 50% of the cumulative building footprint area shall exceed one story and 24 feet.
- Sub-area 2b: Height is limited to a maximum of three stories, 45 feet."

SECTION 5. The City Council hereby amends the text of Subsection C of Section VI ("Proposed Land Use Classifications") of the Coastal Land Use Plan governing Primary Land Uses (Sub-areas 3a, 3b and 3c) as adopted in Resolution CC-0805-46-CC to read as follows, consistent with Coastal Commission Suggested Modification No.3:

"Commercial Recreation Sub-Area 3

Primary Land Uses (sub-areas 3a and 3c)

- Local Serving and Visitor-Serving Retail Uses
- Restaurants and Other Food Beverage Use
- Hotels
- Limited Use Overnight Visitor Accommodations (except on designated State Tidelands)
- Marina and Marina-Related Facilities
- Yacht or Boating Clubs
- Public Open Space/Recreational Uses

Additional Land Uses (sub-areas 3a and 3c)

- Entertainment Clubs
- Commercial Office Land Uses (Sub-area 3a, marina-related offices, visitor serving offices and offices for management and operation of on-site facilities may be permitted on ground floor and on State Tidelands, all other commercial office uses shall be located above the ground floor and shall not be allowed on State Tidelands)
- Parking Facilities

#### Primary Land uses, sub-area 3b (Mole B)

- Minimum of 33% of sub-area 3b (Mole B) shall be maintained as contiguous passive park and public open space
- Boating facilities, such as boating clubs, boating instruction, boat storage, Harbor Patrol, and similar support facilities
- Public Open Space/Recreational Uses

#### Additional Land Uses, sub-area 3b (Mole B)

- Other public uses supporting the primary permitted uses

Tidelands (lands west of the mean high tide line). Permitted uses shall be limited to those uses dedicated to the public trust purposes consistent with state law. Office uses shall not be permitted except for the management of on-site facilities. Limited Use Overnight Visitor Accommodations (including but not limited to Condominium Hotels, Timeshares, Fractional Ownership Hotels) shall not be permitted on State Tidelands.

#### Maximum Building Density

- The floor area ratio (FAR) on master leasehold areas, or on sites that are not master leasehold areas, or on combined development sites in sub-areas 3a and 3c shall not exceed 0.35, except that FAR bonuses may be permitted as allowed in the Zoning Ordinance for inclusion of hotels and/or offices above the ground level and/or for the provision of substantial and high quality public amenities, public spaces, and public improvements. Maximum FAR with bonuses shall not exceed 0.65. The future intensity of new development which may be allowed to occur within the area will be determined on a case-by-case review basis, through the established public review process, as individual proposals are received. Notwithstanding the above, FAR shall not exceed 0.25 in sub-area 3c.
- The floor area ratio (FAR) shall not exceed 0.25 in sub-area 3b (Mole B)
- Cumulative development for Commercial Recreation district sub-areas 1 – 4 shall not exceed a net increase of 400,000 square feet of floor area based on existing land use on April 22, 2008.
- New development projects shall include view corridors to the water from N. Harbor Drive.

Maximum Building Height (measured from existing sidewalk grade at Harbor Drive at the point nearest to the building or structure)

- Three Stories, 45 Feet (Sub-area 3a)
- Two Stories, 30 feet (Sub-areas 3b and 3c)"

SECTION 6. The City Council hereby amends the text of Subsection C of Section VI ("Proposed Land Use Classifications") of the Coastal Land Use Plan governing Maximum Building Heights for the Commercial Recreation Sub-area 1, as adopted in Resolution CC-0805-46-CC, to read as follows, consistent with Coastal Commission Suggested Modification No.17:

#### "Maximum Building Height



- Two Stories, 30 Feet, except two stories, 40 feet for Zone 1 D (measured above pier deck, or sidewalk grade of International Boardwalk or sidewalk grade of Pier Plaza), as applicable.
- New development shall not obstruct views from Czuleger Park to the ocean."

SECTION 7. The City Council hereby amends Land Use Policy 1 of Subsection D of Section VI ("Land Use Policies") of the Coastal Land Use Plan to read as follows, consistent with Coastal Commission Suggested Modification No.4:

- "1. Coastal dependent land uses will be encouraged within the Harbor-Pier area. The City will preserve and enhance these existing facilities and encourage further expansion of coastal dependent land uses, where feasible. Removal of existing coastal dependent land uses shall be strongly discouraged unless such uses are determined to no longer be necessary for the functional operation and utility of the Harbor. A public boat launch ramp shall be constructed in association with future development projects within the Harbor area."

SECTION 8. The City Council hereby amends the text of Land Use Policy 2 of Subsection D of Section VI ("Land Use Policies") of the Coastal Land Use Plan as adopted in Resolution CC-0805-46-CC to read as follows, consistent with Coastal Commission Suggested Modification No.5:

- "2. New development, additions or major rehabilitation projects within the Harbor-Pier area shall be sited and designed to:
- a) Preserve and enhance public views of the water from the moles, pier decks, publicly accessible open space and Harbor Drive;
  - b) Provide continuous public access to and along the seaward side of the piers and moles, with the exception of "Pad 2" on the Pier (see Exhibit A, Policy 2 illustration below);
  - c) Be consistent and harmonious with the scale of existing development;
  - d) Provide appropriate public serving amenities such as benches and pedestrian walkways adjacent to the water's edge or the edge of the pier, landscaped rest and viewing areas, and;
  - e) Signage shall be erected to identify the public parking and public amenities located on Mole A and Mole B. The signs shall be sufficiently visible to the public, shall be located on the corner of North Harbor Drive at Marina Way and Yacht Club Way, and in front of the existing guardhouse/gate structures located at the entrances to the Moles. Signs shall identify that vehicular access is available to the Moles and that public parking and coastal public amenities are located seaward of the signs.

Public Esplanade. A minimum of (12) foot wide paved public esplanade adjacent to the water's edge shall be provided in conjunction with new development or major reconstruction projects, completing the California Coastal Trail through Redondo Beach. On sites where new development or major reconstruction is not proposed, and where the location of existing buildings makes it infeasible to provide such esplanade adjacent to the water's edge, alternatives for the continuation of the Public Esplanade as a partial

or full cantilever over the water with a minimum 10-foot width may be considered through the City's discretionary review process. Any portions of the public esplanade over the water shall be designed to minimize impacts on other marina uses.

Consistent with the objectives and policies in a-e above, no permanent building shall be developed on "Pad 1" of the Pier."

SECTION 9. The City Council hereby amends Land Use Policy 13 of Subsection D of Section VI ("Land Use Policies") of the Coastal Land Use Plan to read as follows, consistent with Coastal Commission Suggested Modification No.6:

"13. Hazards

Development in Redondo Beach shall be sited and designed to minimize hazards from wave uprush and from geologic hazards including seismic hazards such as liquefaction.

- a) New development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Development shall assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or the surrounding areas or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Development shall proceed only if the Director of the Department of Building and Safety determines that there is sufficient evidence that the structure may be constructed and maintained safely. All development shall employ earthquake resistant construction and engineering practices.
- b) Development in the Pier and Harbor area shall provide, in advance of approval, erosion and wave uprush studies, based upon projections of the range of sea level rise that can be expected (at rates ranging from 5 to 15 mm/yr) within the reasonable economic life of the structure (normally 75 years). The Director may waive such studies on the basis of information contained in a certified EIR for the Pier and Harbor area, if such EIR includes maps of all areas in the City potentially impacted by storm waves and sea level rise and such maps include elevations of such impacts and estimation of likelihood of such events. All structures shall be sited and designed to minimize destruction of life and property during likely inundation events.
- c) If the development proposed is located on an existing slope greater than 2:1 or on artificial fill, new construction may be permitted only on the basis of detailed, site specific geologic and soil studies.
- d) All structures located on fill or on alluvial deposits shall provide analysis of potential for seismic hazards including liquefaction. The design of such structures shall include measures to minimize damage and loss of property from such hazards. All earthquake studies shall also comply with the latest recommendations of the California Geological Survey and Geology and the Seismic Safety Commission and shall adhere to all applicable building codes.
- e) All development located within the tsunami inundation zone as identified by the most recent state or local California Emergency Management maps or,

below elevation 15 feet above mean sea level shall provide information concerning the height and force of likely tsunami run-up on the property. The Director may waive this requirement if he or she determines that accurate maps concerning the extent, velocity and depth of likely tsunami run-up is available in a certified EIR that addresses all pier, harbor, and beach areas of the City. The Director shall require all development located within a possible tsunami run-up zone to install, as appropriate, warning systems and other measures to minimize loss of life due to a tsunami.

- f) With the exception of structures on the moles, new or substantially reconstructed structures on ocean fronting parcels shall be permitted only if they are sited and designed so that no future shoreline protective devices will be necessary to protect them from storm waves and bluff erosion. The City shall require as an enforceable condition of any permit for such a structure that no shoreline protective structure shall be allowed in the future to protect the development from foreseeable or unexpected bluff erosion or wave uprush."

SECTION 10. The City Council hereby amends Subsection c) of Land Use Policy 15 of Subsection D of Section VI ("Land Use Policies") of the Coastal Land Use Plan as adopted in Resolution CC-0805-46-CC to read as follows, consistent with Coastal Commission Suggested Modification No.7:

- "c) Limited Use Overnight Visitor Accommodations within the Commercial Recreation district shall be limited to no more than 25% of total new guestrooms (units) developed within a leasehold after the effective date of adoption of this Section. All other guestrooms (units) shall be available to the general public on a daily, year-round basis."

SECTION 11. The City Council hereby amends Subsection g) of Land Use Policy 15 of Subsection D of Section VI ("Land Use Policies") of the Coastal Land Use Plan as adopted in Resolution CC-0805-46-CC to read as follows, consistent with Coastal Commission Suggested Modification No.8:

- "g) Lower cost visitor accommodations shall be protected, encouraged, and where feasible, provided. In the Coastal Zone when demolition of existing lower cost overnight visitor accommodations or when Hotels or Limited Use Overnight Visitor Accommodations are proposed that include high-cost overnight visitor accommodations, an in-lieu fee in an amount necessary to off-set the lack of the preferred lower cost facilities in Redondo Beach shall be imposed. The fee shall be \$30,000 per room that mitigation is required for, and the fee shall be adjusted annually to account for inflation according to increases in the Consumer Price Index U.S. City Average. If as a part of a proposed development all units for which an in-lieu fee would be required are replaced by lower cost overnight visitor accommodations within the Coastal Zone of Redondo Beach, the in-lieu fee shall be waived.

An in-lieu fee shall be required for new development of overnight visitor accommodations in the coastal zone that are not low or moderate cost facilities. These in-lieu fee(s) shall be required as a condition of approval of a coastal development permit, in order to provide significant funding to support the establishment of lower cost overnight visitor accommodations within the

coastal area of Los Angeles County, and preferably within the City of Redondo Beach's coastal zone. The fee shall apply to 25% of the total number of proposed units that are high-cost overnight visitor accommodations or limited use overnight visitor accommodations.

An in-lieu fee shall be required for any demolition of existing lower cost overnight visitor accommodations, except for units that are replaced by lower cost overnight visitor accommodations, in which case the in-lieu fee shall be waived. This in-lieu fee shall be required as a condition of approval of a coastal development permit, in order to provide significant funding to support the establishment of lower cost overnight visitor accommodations within the coastal area of Los Angeles County, and preferably within the City of Redondo Beach's coastal zone. A per-unit fee for the total number of existing lower cost overnight units that are demolished and not replaced shall be required.

Where a proposed development includes both demolition of existing low cost overnight visitor accommodations and their replacement with high cost overnight visitor accommodations, the fee shall also apply to the 25% of the number of high cost rooms/units in excess of the number being lost."

SECTION 12. The City Council hereby adds new Land Use Policy 16 to Subsection D of Section VI ("Land Use Policies") of the Coastal Land Use Plan to read as follows, consistent with Coastal Commission Suggested Modification No.9:

- "16. Employment, retail, and entertainment districts and coastal recreational areas shall be well served by public transit and easily accessible to pedestrians and bicyclists. Streets, sidewalks, bicycle paths, and recreational trails (including the California Coastal Trail) should be designed and regulated to encourage walking, bicycling, and transit ridership.

Large commercial and residential developments shall be located and designed to be served by transit and provide non-automobile circulation to serve new development to the greatest extent feasible."

SECTION 13. The City Council hereby adds new Land Use Policy 17 to Subsection D of Section VI ("Land Use Policies") of the Coastal Land Use Plan to read as follows, consistent with Coastal Commission Suggested Modification No.10:

- "17. The Coastal Act definition set forth below is incorporated herein as a definition of the Land Use Plan: "Environmentally sensitive habitat area (ESHA)" means any area in which plant or animal life or their habitats are either rare or especially valuable because of the special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.
- a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
  - b) Development within and adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with continuance of those habitat and recreation areas."

SECTION 14. The City Council hereby adds new Land Use Policy 18 to Subsection D of Section VI ("Land Use Policies") of the Coastal Land Use Plan to read as follows, consistent with Coastal Commission Suggested Modification No.11:

- "18. Ensure the protection of bird nesting habitat protected by the Migratory Bird Treaty Act and the long-term protection of breeding, roosting and nesting habitat of bird species listed pursuant to the federal or California Endangered Species Acts, California bird species of special concern, and wading birds (herons or egrets). The trimming and/or removal of any trees that have been used for breeding and nesting by the above identified species within the past (5) years, as determined by a qualified biologist or ornithologist shall be undertaken in compliance with all applicable codes and regulations of the California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the U.S. Migratory Bird Treaty Act."

SECTION 15. The City Council hereby adds new Land Use Policy 19 to Subsection D of Section VI ("Land Use Policies") of the Coastal Land Use Plan to read as follows, consistent with Coastal Commission Suggested Modification No.12 as follows:

- "19. Marine resources shall be maintained, enhanced and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes."

SECTION 16. The City Council hereby adds new Land Use Policy 20 to Subsection D of Section VI ("Land Use Policies") of the Coastal Land Use Plan to read as follows, consistent with Coastal Commission Suggested Modification No.13:

- "20. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams."

SECTION 17. The City Council hereby adds new Land Use Policy 21 to Subsection D of Section VI ("Land Use Policies") of the Coastal Land Use Plan to read as follows, consistent with Coastal Commission Suggested Modification No.14:

- "21. The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall only be permitted in accordance with other applicable provisions of this division, where there is no feasible alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
- a) New or expanded port, energy, and coastal dependent industrial facilities, including commercial fishing facilities.

- b) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- c) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreation piers that provide public access and recreational opportunities.
- d) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- e) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive habitat areas.
- f) Restoration purposes.
- g) Nature study, aquaculture, or similar resource dependent uses.

Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary."

SECTION 18. The amendments to the Coastal Land Use Plan adopted by this Resolution do not, either individually or collectively, significantly affect existing the residential densities, intensity or traffic impacts of existing or permitted development in the City. The City Council has therefore determined that these amendments do not constitute or include Major Changes in Allowable Land Use as defined in Article XXVII of the City Charter of Redondo Beach. However, the City Council has determined that sections 4, 5, 6, 7, 8, 10 and 11 of this Resolution are amendments to existing provisions of the Coastal Land Use Plan, as approved by the City Council on May 6, 2008, which include, consist of, or are integrally related to provisions of the amended Coastal LUP that constitute Major Changes In Allowable Land Use as that term is defined in Section 27.2(f) of Article XXVII of the Redondo Beach City Charter. The amendments enacted by Sections 4, 5, 6, 7, 8, 10 and 11 shall be incorporated into the measures submitted for voter approval pursuant to Section 27.4 of Article XXVII of the City Charter and shall become effective for all purposes after being both approved by voters as required by Article XXVII and certified by the California Coastal Commission.

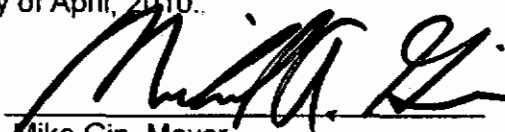
SECTION 19. Sections 3, 9, 12, 13, 14, 15, 16 and 17 of this Resolution have been determined by the City Council to be amendments to provisions of the Coastal Land Use Plan and additions to the Coastal Land Use Plan that do not include or consist of, and are not integrally related to, provisions of the amended Coastal Land Use Plan adopted in May, 2008 that constitute Major Changes In Allowable Land Use as that term is defined in Section 27.2(f) of Article XXVII of the Redondo Beach City Charter. The amendments enacted by Sections 3, 9, 12, 13, 14, 15, 16 and 17 shall become effective upon certification by the California Coastal Commission.

SECTION 20. The portions of the Coastal Land Use Plan, which are to be put to a vote of the people as provided by City Charter Article XXVII, may be amended or repealed without a vote of the people, if such a vote is not otherwise mandated by the City Charter or other applicable laws. The intent of this section is to exempt the Coastal Land Use Plan from the provision in the last sentence of California Elections Code Section 9217.

SECTION 21. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid, unconstitutional or unenforceable by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Resolution. The City Council hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid, unconstitutional or unenforceable.

SECTION 22. The City Clerk shall certify to the passage and adoption of this resolution, shall enter the same in the Book of Original Resolutions of said City, and shall cause the action of the City Council in adopting the same to be entered in the official minutes of said City Council.

PASSED, APPROVED AND ADOPTED this 6th day of April, 2010.

  
Mike Gin, Mayor

ATTEST:

STATE OF CALIFORNIA                     )  
COUNTY OF LOS ANGELES                )  
CITY OF REDONDO BEACH                 )                     SS

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California do hereby certify that the foregoing Resolution No. CC-1004-306 was duly passed, approved and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 6th day of April, 2010, by the following vote:

AYES:           ASPEL, AUST, DIELS, KILROY

NOES:           BRAND

ABSENT:        NONE

ABSTAIN:       NONE

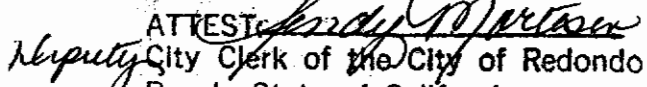
  
Eleanor Manzano, City Clerk

APPROVED AS TO FORM:

  
Michael W. Webb, City Attorney

This is certified to be a true  
and correct copy of the original  
on file in this office.

DATED: 11-08-10

  
Deputy City Clerk of the City of Redondo  
Beach, State of California