

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90802
VOICE (562) 590-5071
FAX (562) 590-5084



Th21a

April 23, 2020

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director
Shannon Vaughn, Coastal Program Manager
Eric Stevens, District Supervisor
Chloe Seifert, Staff Analyst

SUBJECT: Amendment Request No. 1-20 (LCP-5-RDB-20-0012-1 State Model Water Efficient Landscape Regulation Update) to the City of Redondo Beach Certified Local Coastal Program, for Public Hearing and Commission Action at the May 14, 2020 Meeting.

SUMMARY OF LCP AMENDMENT REQUEST NO. 1-20

Amendment Request No. 1-20 would amend the City of Redondo (City) Implementation Plan (IP) (Title 10, Chapter 5 of the municipal code) to update landscaping regulations to incorporate the State Model Water Efficient Landscape Ordinance (MWELO) within the Coastal Zone. The City also approved a parallel ordinance to establish updated landscaping regulations outside the Coastal Zone. The proposed amendment will affect the certified LCP IP only.

The proposed changes to the IP are in Ordinance No. 3191-19 ([Exhibit 2](#)) and the LCP amendment request was submitted for Commission certification by City Council Resolution No. 1911-087 on February 20, 2020 ([Exhibit 1](#)).

The City's proposed amendment modifies existing IP section 10-5.1900 to eliminate subsections (c) and (d). Subsection (c) requires that all new projects in non-residential zones and all new residential projects of two or more units submit a landscape and irrigation plan; the plans may also be required in conjunction with other projects that require certain discretionary approvals. The subsection also specifies the necessary contents of landscape and irrigation plans. Subsection (d) specifies that new single-family projects are not required to submit landscape and irrigation plans, but that they must provide a site plan showing the type, location, and distance from public infrastructure of proposed trees.

The City's proposed amendment also modifies existing IP section 10-5.1900 to include new subsection (f)(1), incorporating the MWELO by reference, which is codified in

Chapter 2.7 of Title 23 of the California Code of Regulations. The MWELO outlines the applicability of the ordinance and finds a limited scope of projects exempt from MWELO provisions. Specifically, the ordinance does not apply to registered historical sites, ecological restoration projects or mined-land reclamation projects that do not require a permanent irrigation system, or existing plant collections open to the public. Thus, all other new projects in non-residential zones and all other new residential projects will be subject to the MWELO provisions. Under MWELO provisions, landscape design plans for applicable projects shall be approved by the City on the basis of plant selection informed by identified hydrozones, efficient water use, fire safety, and other ecological factors. The MWELO also specifies the components of acceptable irrigation plans, requiring the use of automatic irrigation controllers (evapotranspiration, soil moisture sensors, flow sensors, etc.), prevention of runoff, specialized irrigation for differing hydrozones, and other water-conserving practices. The MWELO also requires protection and preservation of native species and natural vegetation; the use of invasive plant species, such as those listed by the California Invasive Plant Council, is strongly discouraged. The MWELO establishes the City's right to administer penalties to project applicants, to the extent permitted by law, on the basis of noncompliance with the ordinance. The MWELO also requires landscape irrigation audits for select projects and describes the components of the auditing process. The MWELO also specifies the necessary contents of landscape and irrigation plans required for applicable projects. In addition to the incorporation of the MWELO in (f)(1), the proposed amendment adds new subsection (f)(2) specifying how the provisions of section 10-5.1900 shall be applied in conjunction with those of the MWELO. This change specifies that the regulations contained in the IP section shall apply in addition to MWELO regulations; and in the event of conflicting requirements, the more stringent landscaping water efficiency requirement is designated as the applicable provision.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, **APPROVE** Amendment Request No. 1-20 as submitted. The proposed LCP amendment would further specify landscaping and irrigation requirements for development within the Coastal Zone, resulting in a relatively minor impact to coastal resources. Furthermore, new projects will be required to adhere to the more stringent provision in the event of conflict between new MWELO and existing IP requirements. These existing IP requirements have been established as part of the certified LCP and include standards for the components of landscaping and irrigation plans, which will provide sufficient protection of the City's coastal resources.

The standard of review for the LCP IP, pursuant to Sections 30513 and 30514 of the Coastal Act, is whether the proposed IP amendment conforms with and is adequate to carry out the provisions of the certified LUP. The proposed changes to the IP are consistent with the LUP and no adverse impacts to coastal access of coastal resources are anticipated as a result of the changes to the IP. Staff therefore recommends that the Commission find that the City's request to amend Article 7 of the City's certified IP conforms with and is adequate to carry out the certified LUP and

approve the IP amendment request as submitted. The motions and resolutions are found on Page 5.

BACKGROUND

The Commission certified the Redondo Beach Land Use Plan (LUP) in 1981. In 2002, the Commission approved the segmentation of the City into two areas: the Harbor-Pier area (Area 2) and the remainder of the City (Area 1). The Commission's 2002 approval certified the City's Local Coastal Program (LCP) for Area 1. Area 2 effectively was deferred certification. In 2010, the Commission eliminated the geographic segmentation and certified the LCP for the remainder of the City.

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EXHIBITS

[Exhibit 1 – Resolution No. 1911-087](#)

[Exhibit 2 – Ordinance No. 3192-19](#)

[Exhibit 3 – Strike-Out Underline of Section 10-5.1900](#)

I. PROCEDURAL REQUIREMENTS

A. STANDARD OF REVIEW

The standard of review for the proposed amendment to the LCP Implementation Plan (IP), pursuant to Sections 30513 and 30514 of the Coastal Act, requires that the proposed IP amendment conforms with and is adequate to carry out, the provisions of the certified Land Use Plan (LUP). The Commission shall take action by a majority vote of the Commissioners present.

B. LOCAL REVIEW AND DEADLINE FOR COMMISSION ACTION

Section 30503 of the Coastal Act requires public input in LCP development. It states:

“During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected government agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not yet been subjected to public hearing within four years of such submission.”

The City of Redondo Beach Planning Commission and the City Council held public hearings on the proposed amendment, summarized below:

The City Planning Commission held public hearings regarding the LCP amendment on August 15, 2019 and September 19, 2019. The City Council held public hearings on July 16, 2019 and November 19, 2019. The City submitted the LCP Amendment request to the Commission on February 5, 2020. On February 19, 2020, staff determined that the LCP amendment submittal was sufficient and filed the application as complete. The 60th working day by which the Commission must act on the amendment request or grant an extension to the sixty-day deadline is April 20, 2020. However, Governor Newsom has issued an executive order which states:

“The time limits set forth in the Permit Streamlining Act in Government Code sections 65943, 65950, 65952, and 65956, and in Public Resources Code sections 30512, 30513, 30603, 30606, 30621, 30622, 30625, 30714, and 30812 are suspended, with respect to actions by or matters before the California Coastal Commission or the State Water Resources Control Board, for a period of 60 days. This paragraph pauses the time limits in the referenced sections but does not restart them, and should be construed to toll those timeframes for 60 days, such that no time should be counted for 60 days, but that any days that elapsed prior to this suspension are still counted.

Adherent to this order, the 60th working day has been extended to June 19, 2020. The proposed LCP amendment will become effective after reporting to the Commission any written objections received within ten working days of the mailing of notice.

II. MOTIONS AND RESOLUTIONS

Approval of the IP Amendment as submitted.

Motion I: I move that the Commission **reject** Amendment No. LCP-5-RDB-20-0012-1 to the City of Redondo Beach certified Local Coastal Program as submitted.

Staff recommends a **NO** vote. Passage of this motion will result in certification of the IP Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution I: The Commission hereby certifies Amendment Request No. LCP-5-RDB-20-0012-1 to the LCP IP for the City of Redondo Beach certified LCP as submitted and adopts the findings set forth below on grounds that the IP Amendment conforms with and is adequate to carry out the provisions of the certified LUP. Certification of the IP Amendment complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

III. FINDINGS

A. AMENDMENT DESCRIPTION

This LCP amendment request involves an update to the City's LCP Implementation Plan (IP). No changes to the certified LCP Land Use Plan (LUP) are proposed herein.

The City's proposed amendment modifies existing IP section 10-5.1900 to eliminate subsections (c) and (d). Subsection (c) requires that all new projects in non-residential zones and all new residential projects of two or more units submit a landscape and irrigation plan; the plans may also be required in conjunction with other projects that require certain discretionary approvals. The subsection also specifies the necessary contents of landscape and irrigation plans. Subsection (d) specifies that new single-family projects are not required to submit landscape and irrigation plans, but that they must provide a site plan showing the type, location, and distance from public infrastructure of proposed trees.

The City's proposed amendment also modifies existing IP section 10-5.1900 to include new subsection (f)(1), incorporating the MWELo by reference, which is codified in Chapter 2.7 of Title 23 of the California Code of Regulations. The MWELo outlines the applicability of the ordinance and finds a limited scope of projects exempt from MWELo provisions. Specifically, the ordinance does not apply to registered historical

sites, ecological restoration projects or mined-land reclamation projects that do not require a permanent irrigation system, or existing plant collections open to the public. Thus, all other new projects in non-residential zones and all other new residential projects will be subject to the MWELO provisions. Under MWELO provisions, landscape design plans for applicable projects shall be approved by the City on the basis of plant selection informed by identified hydrozones, efficient water use, fire safety, and other ecological factors. The MWELO also specifies the components of acceptable irrigation plans, requiring the use of automatic irrigation controllers (evapotranspiration, soil moisture sensors, flow sensors, etc.), prevention of runoff, specialized irrigation for differing hydrozones, and other water-conserving practices. The MWELO also requires protection and preservation of native species and natural vegetation; the use of invasive plant species, such as those listed by the California Invasive Plant Council, is strongly discouraged. The MWELO establishes the City's right to administer penalties to project applicants, to the extent permitted by law, on the basis of noncompliance with the ordinance. The MWELO also requires landscape irrigation audits for select projects and describes the components of the auditing process. In addition to the incorporation of the MWELO in (f)(1), the proposed amendment adds new subsection (f)(2) specifying how the provisions of section 10-5.1900 shall be applied in conjunction with those of the MWELO. This change specifies that the regulations contained in the IP section shall apply in addition to MWELO regulations and, in the event of conflicting requirements, the more stringent landscaping water efficiency requirement is designated as the applicable provision.

B. CONSISTENCY WITH THE LUP

Under Sections 30513 and 30514(b), the Commission shall certify a proposed amendment to an IP unless it does not conform with, or is inadequate to carry out the provisions of the certified LUP. The purpose of this proposed IP amendment is to revise the existing regulations to provide more clarity and be consistent with recent changes in state law.

The City of Redondo Beach coastal zone includes single-family and multi-family residential zone neighborhoods, as well as commercial centers and parks that would be impacted by the proposed LCP amendment. Some of these properties contain extensive landscaping, with a large amount of irrigation necessary for maintenance. The City's certified LUP contains limited resource protection policies. However, the LUP does include language that requires the protection of marine and land uses, including wetlands and environmentally-sensitive wildlife habitat areas. Protection of natural resources can be achieved in part, by reducing pollution generated by over-watering and reducing the introduction of invasive vegetation.

One of the primary changes to the City's IP is the inclusion by reference of the MWELO, which effectively replaces the water efficient landscaping practices and applicability requirements outlined in removed subsections (c) and (d). This modification further specifies landscaping and irrigation requirements for proposed projects, establishes the City's right to penalize non-compliance, and delineates which projects are exempt from the Ordinance provisions. This alteration to the City's IP

further specifies requirements already included in Article 7, and does not result in a loss of regulation or procedures. The addition of subsection (f)(2), which designates the more stringent requirement as applicable in the event of conflicting MWELo and Article 7 provisions, further ensures consistency of landscaping and irrigation regulations. Subsection (f)(2) also minimizes the risk that future changes to the MWELo could weaken landscaping and irrigation requirements in the coastal zone. The proposed IP changes will result in increased water conservation measures on a broader scope of projects, more stringent provisions in relation to the use of invasive plant species, and in, in general, is an improvement over the existing IP in terms of protection of water quality and biological resources in Redondo Beach.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code—within the California Environmental Quality Act (CEQA)—exempts local governments from the requirement of preparing environmental review documentation in connection with its activities and approvals necessary for the preparation and adoption of an LCP. The Commission’s LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. (14 CCR § 15251(f).) Thus, under Section 21080.5 of CEQA, the Commission’s review and analysis of the LCP amendment in this staff report satisfies CEQA environmental review requirements. Nevertheless, the Commission is required in approving an LCP submittal to find that the LCP does conform with the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. Sections 13542(a), 13540(f), and 13555(b). The City of Redondo Beach LCP Amendment No. 1-20 consists of an amendment to the IP of the City’s certified LCP.

As outlined in this staff report, the proposed LCP Amendment will be consistent with the policies of the LUP as submitted. Thus, the Commission finds that the LCP Amendment is in conformity with and adequate to carry out the land use policies of the certified LCP. The Commission finds that approval of the LCP Amendment will not result in significant adverse environmental impacts under the meaning of CEQA and will be consistent with Section 21080.5(d)(2)(A) of the Public Resources Code. Furthermore, there are no other feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the LCP amendment may have on the environment.