

**CALIFORNIA COASTAL COMMISSION**

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# Th18a

February 16, 2023

**TO:** Commissioners and Interested Persons

**FROM:** Steve Hudson, Deputy Director, South Coast District  
Shannon Vaughn, District Manager  
Dani Ziff, District Supervisor

**RE:** Amendment Request No. LCP-5-RDB-22-0048-2 to the City of Redondo Beach Local Coastal Program, for Commission Action at its March 9, 2023 meeting.

## Local Coastal Program Amendment No. LCP-5-RDB-22-0048-2

The City of Redondo Beach is requesting that the Commission certify an amendment to the Local Implementation Plan (IP) portion of the Redondo Beach certified Local Coastal Program (LCP). The LCP amendment will modify Section 10-5.1626 (Cannabis regulations) of the City's certified IP to allow for retail sales of cannabis in the City, including in parts of the coastal zone. The Redondo Beach City Council held a public hearing for the LCP amendment on July 19, 2022, introduced Ordinance No. O-3235-22, and passed City Council Resolution No. CC-2207-056 authorizing City staff to submit the LCP amendment to the Coastal Commission. On September 6, 2022, the City Council adopted Ordinance No. O-3235-22. The City submitted LCP Amendment Request No. LCP-5-RDB-22-0048-2 on October 17, 2022. Commission staff requested clarification regarding details of the request on October 31, 2022, which was provided by the City on December 19, 2022. Commission staff deemed the LCP amendment request complete on January 4, 2023.

**Staff Note: LCP Amendment Action Deadline.** The 60-working-day action deadline for the proposed IP amendment is April 3, 2023. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until April 3, 2023 to take a final action on this LCP amendment.

Therefore, if the Commission fails to take a final action in this case (e.g., if the Commission instead chooses to postpone/continue LCP amendment consideration), then staff recommends that, as part of such non-final action, the Commission extend the deadline for final Commission action on the proposed amendment by one year. To do so, staff recommends a **YES** vote on the motion at the top of the following page. Passage of the motion will result in a new deadline for final Commission action on the proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion:** *I move that the Commission extend the time limit to act on City of Redondo Beach Local Coastal Program Amendment Number LCP-5-RDB-22-0048-2 to April 3, 2024, and I recommend a yes vote.*

## **STAFF RECOMMENDATION**

The standard of review for the proposed amendment to the IP, pursuant to Section 30513 of the Coastal Act, is that the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. The changes to the IP are proposed to allow commercial sales of cannabis within the City where such sales are currently prohibited. More specifically, the City's proposed changes to the LCP's implementing ordinances would add and update definitions and regulations relating to commercial cannabis activities to allow for limited retail activities in the coastal zone. The amendment request has been determined to be major because the ordinance could change the location, intensity, and density of the subject use. The changes proposed by this LCP amendment will not adversely affect coastal resources and are consistent with the certified LUP. Staff is recommending that the Commission, after a public hearing, certify the LCP amendment request as submitted. The motion to accomplish this recommendation is in Section I, below.

### **I. MOTION AND RESOLUTION**

**Motion:**

*I move that the Commission reject Amendment No. LCP-5-RDB-22-0048-2 to the City of Redondo Beach Implementation Program as submitted by the City.*

Staff recommends a **NO** vote. Failure of this motion will result in certification of the amendment to the Implementation Program 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 to Certify the IP Amendment as Submitted**

*The Commission hereby certifies Amendment Request No. LCP-5-RDB-22-0048-2 to the LCP Implementation Program for the City of Redondo Beach as submitted and adopts the findings set forth below on grounds that the Implementation Program conform with, and are adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program 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.*

## II. FINDINGS

### A. Description of the LCP Amendment Request

Redondo Beach LCP Amendment Request No. LCP-5-RDB-22-0048-2 would amend the City's implementing ordinances to modify the Definitions subsection of IP Section 10-5.1026, adding new terms and updating existing definitions and the regulations prohibiting commercial cannabis activities to allow for limited retail activities. The changes to the IP (**Exhibit 2**) are proposed to allow for and regulate commercial cannabis activities in the City, including within the coastal zone; however, as adopted by the City Council, commercial cannabis uses would continue to be prohibited in coastal commercial areas,<sup>1</sup> institutional zones, and areas where residential uses are permitted. Redondo Beach City Council Resolution No. CC-2207-056 and Ordinance No. O-3235-22 adopting the proposed changes are included in **Exhibit 1**.

### B. Consistency with the Certified Land Use Plan

The standard of review for the proposed amendment to the Local Implementing Program (IP), pursuant to Section 30513 of the Coastal Act, is that the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP). The certified LUP contains policies relating to housing, shoreline access, coastal recreation, and new development. The LUP designates certain areas within the coastal zone for commercial uses such as the Redondo Pier, King Harbor, Riviera Village, and along Pacific Coast Highway. New commercial development must comply with the LUP policies including, but not limited to, those that require the prioritization of coastal-dependent uses in the Harbor-Pier area, protect water quality, minimize coastal hazards, preserve public recreational and visitor-serving areas/facilities, protect fishing areas, and enforce parking standards.

The proposed IP amendment is not in conflict with these policies or any other policy in the certified LUP because the new cannabis retail uses are limited to sites that are already designated for commercial use. There are no proposed regulations that would lessen or avoid the requirements for commercial development contained in the certified LUP. In addition, commercial cannabis operations are not allowed in the Harbor-Pier area, which is immediately adjacent to and over water and is where coastal-dependent, fishing, and other recreational and visitor-serving uses exist and are prioritized. Areas where commercial cannabis would be allowed, including along Pacific Coast Highway and other locations more than a block inland of the beach and primary coastal trails, are not near coastal habitat or other natural resources. They are, however, in areas that provide public access through parking, transit stops, and visitor-serving commercial uses like restaurants and retail. The subject ordinance does not change parking requirements for commercial uses. Furthermore, changes in density or intensity of use require a coastal development permit that must be found to be

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<sup>1</sup> In this case, coastal commercial areas refer to the commercial areas at King Harbor and the Redondo Pier and align with the City's uncertified Coastal Commercial zone designations. As proposed, commercial cannabis would be allowed in other commercial areas within the coastal zone.

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consistent with the LCP prior to issuance. Therefore, the proposed allowance of cannabis retail in certain parts of the coastal zone is consistent with the LUP.

The proposed cannabis regulations contain one reference to uncertified municipal operating requirements for cannabis retailers within the City (Section 6-2.05, Development Agreement and Operating Standards). In general, references to codes, plans, or documents that are not part of the standard of review for coastal development projects should not be included in LCPs. However, in this case, the operating requirements referenced include requirements for fees associated with development agreements, enclosed buildings for cannabis sale activities, age limitations for cannabis purchase, avoidance of loitering, proper disposal of waste, locking windows and doors, appropriate signs, and compliance with applicable zoning standards. For projects within the coastal zone, the applicable zoning standards are contained in the certified IP and have been found to be consistent with the certified LUP. The other operating requirements contained in the referenced municipal code section either have no potential to impact coastal resources, or might only have that potential (e.g. if at some point in the future the City changes the uncertified standards in a way that could affect public access or water quality through inappropriate signage or improper handling of waste) if located close to sensitive coastal resources. However, in that case, as described above, commercial cannabis is prohibited in the areas with the most sensitive coastal resources such as public accessways, coastal habitat, open water, parking, and visitor-serving accommodations and/or are subject to the City's LCP, which for the review of coastal development, overrides conflicting municipal codes. In addition, development located on/over public tidelands is within the Commission's retained jurisdiction where Chapter 3 of the Coastal Act is the standard of review. Therefore, the City's reference to uncertified operating requirements in this specific case is not inconsistent with coastal resource protection policies of the LUP.

Some of the proposed changes to the IP include typographical and other grammatical errors. However, these errors do not significantly confuse the intent of the regulations nor do they have the potential to result in adverse impacts to coastal resources protected by the certified LCP. Additionally, City staff have stated that the City is planning to comprehensively update the IP in the near future, in part, to address these types of mistakes.

In conclusion, the proposed changes conform with, and are adequate to carry out, the provisions of the certified LUP.

### **C. California Environmental Quality Act**

The City of Redondo Beach is the lead agency for the purposes of California Environmental Quality Act (CEQA) review of the proposed LCP amendment. In the City's 2022 actions on the subject ordinance, it found that the amendments qualify for CEQA exemption under Sections 15060(c)(2) and (3) because the activity would not result in a physical change in the environment and is not considered a project under CEQA Section 15378. CEQA Section 21080.9 of the California Public Resources Code exempts local government from the requirement of preparing an environmental impact

report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of LCPs and LCP amendments. The Commission's LCP review and approval program has been found by the Secretary of the Natural Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP or LCP amendment action.

Nevertheless, the Commission is required, in approving an LCP or LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including 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 (see California Code of Regulations Title 14 Sections 13540(f) and 13555(b)).

The Commission incorporates its findings on LUP conformity into this CEQA finding as if set forth in full herein. The Commission finds that, for the reasons discussed in this report, the proposed LCP amendment complies with the California Environmental Quality Act because there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts, individual or cumulative, which the LCP amendment may have on the environment. The Commission finds that the proposed LCP amendment is consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.