

**AGENDA – REGULAR MEETING
PLANNING COMMISSION
CITY OF REDONDO BEACH
THURSDAY AUGUST 20, 2015 – 7:00 P.M.
CITY COUNCIL CHAMBERS
415 DIAMOND STREET**

I. OPENING SESSION

1. Call Meeting to Order
2. Roll Call
3. Salute to the Flag

II. APPROVAL OF ORDER OF AGENDA

III. CONSENT CALENDAR

Routine business items, except those formally noticed for public hearing (agendized as either a “Routine Public Hearing” or “Public Hearing”), or those items agendized as “Old Business” or “New Business” are assigned to the Consent Calendar. The Commission Members may request that any Consent Calendar item(s) be removed, discussed, and acted upon separately. Items removed from the Consent Calendar will be taken up immediately following approval of remaining Consent Calendar items. Remaining Consent Calendar items will be approved in one motion.

4. Approval of Affidavit of Posting for the Planning Commission meeting of August 20, 2015.
5. Approval of the following minutes: Regular Meeting of July 16, 2015.
6. Receive and file the Strategic Plan Update of July 21, 2015.
7. Receive and file written communications.

IV. AUDIENCE OATH

V. EX PARTE COMMUNICATIONS

This section is intended to allow all officials the opportunity to reveal any disclosure or ex parte communication about the following public hearings.

VI. EXCLUDED CONSENT CALENDAR ITEMS

VII. PUBLIC HEARINGS

8. A Public Hearing to consider zoning text amendments to Sections 10-2.402, 10-2.610, 10-2.620, 10-2.630, 10-2.640, 10-2.910, 10-2.1600, 10-5.402, 10-5.610, 10-5.620, 10-5.630, 10-5.640, 10-5.910 and 10-5.1600 of the Zoning Ordinance and Coastal Zoning Ordinance to consider regulating massage establishments by Conditional Use Permit and placing restrictions on minimum separation between massage establishments. Planning Commission will consider adopting a resolution which recommends that City Council adopt the proposed zoning text amendments. The Planning Commission will also review and consider proposed findings/exemptions under the California Environmental Quality Act (CEQA). More specifically, findings that the zoning text amendments described in this notice are not subject to CEQA pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378(a) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly). In the alternative the Commission will also review and consider CEQA exemptions.

APPLICANT: City of Redondo Beach
PROPERTY OWNER: N/A
LOCATION: **City-Wide**
CASE NO.: 2015-08-PC-011
RECOMMENDATION: Approve resolution recommending to the City Council adoption of the amendments

9. A Public Hearing to consider zoning text amendments to Sections 10-2.402, 10-2.610, 10-2.620, 10-2.630, 10-2.640, 10-2.910, 10-5.402, 10-5.610, 10-5.620, 10-5.630, 10-5.640, 10-5.910 and the addition of Sections 10-2.1628 and 10-5.1628 of the Zoning Ordinance and Coastal Zoning Ordinance to consider allowing tattoo establishments as a permitted use. Planning Commission will consider adopting a resolution which recommends that City Council adopt the proposed zoning text amendments. The Planning Commission will also review and consider proposed findings/exemptions under the California Environmental Quality Act (CEQA). More specifically, findings that the zoning text amendments described in this notice are not subject to CEQA pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378(a) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly). In the Alternative the Commission will also review and consider CEQA exemptions.

APPLICANT: City of Redondo Beach
PROPERTY OWNERS: N/A
LOCATION: **City-wide**
CASE NO.: 2015-08-PC-012
RECOMMENDATION: Approve resolution recommending to the City Council adoption of the amendments

VIII. OLD BUSINESS

Items continued from previous agendas.

10. A Public Hearing to consider adopt/certify a (Revised) Mitigated Negative Declaration, Initial Study (IS-MND), and Mitigation Monitoring and Reporting Program (including modified mitigation measures), a revised application for Conditional Use Permit, Planning Commission Design Review, Landscape and Irrigation Plans, and Minor Subdivision (Vesting Tentative Tract Map No. 72662) for the construction of a mixed-use development to include 149 residential apartment units (a reduction from 180), approximately 37,000 square feet of neighborhood serving commercial development (a reduction from 37,600), and renovation of the existing 100-room hotel. A total of 649 parking spaces (an increase from 614) will be provided, with 587 parking spaces in an enclosed parking structure and 62 spaces in an existing surface parking lot. The project is designed to be a maximum of three (3) stories and 45 feet above existing grade (a reduction from four (4) stories and 56 feet). The IS-MND is being revised, and includes an approximately two page discussion to reflect these and other changes, and impacts are anticipated to be reduced in comparison to the previously analyzed project description. The property is located with a Mixed-Use (MU-3A) zone.

APPLICANT: Legado Redondo, LLC
PROPERTY OWNER: Same as applicant
LOCATION: **1700 S. Pacific Coast Highway**
CASE NO.: 2015-03-PC-005
RECOMMENDATION: The Community Development Department recommends that the Planning Commission grant the applicant's request to continue the Public Hearing to October 15, 2015

IX. NEW BUSINESS

Items for discussion prior to action.

X. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

This section is intended to provide members of the public with the opportunity to comment on any subject that does not appear on this agenda for action. This section is limited to 30 minutes. Each speaker will be afforded three minutes to address the Commission. Each speaker will be permitted to speak only once. Written requests, if any, will be considered first under this section.

XI. COMMISSION ITEMS AND REFERRALS TO STAFF

Referrals to staff are service requests that will be entered in the City's Customer Service Center for action.

XII. ITEMS FROM STAFF

XIII. COUNCIL ACTION ON PLANNING COMMISSION MATTERS

XIV. ADJOURNMENT

The next meeting of the Planning Commission of the City of Redondo Beach will be a Regular Meeting to be held at 7:00 p.m. on Thursday, September 17, 2015 in the Redondo Beach City Council Chambers, 415 Diamond Street, Redondo Beach, California.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter at City Hall located at 415 Diamond Street, Door C, Redondo Beach, Ca. during normal business hours. In addition, such writings and documents will be posted, time permitting, on the City's website at www.redondo.org.

It is the intention of the City of Redondo Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's Office at (310) 318-0656 at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

An agenda packet is available 24 hours at www.redondo.org under the City Clerk and during City Hall hours, agenda items are also available for review in the Planning Department.

CONSENT CALENDAR

The Planning Commission has placed cases, which have been recommended for approval by the Planning Department staff, and which have no anticipated opposition, on the Consent Calendar section of the agenda. Any member of the Planning Commission may request that any item on the Consent Calendar be removed and heard, subject to a formal public hearing procedure, following the procedures adopted by the Planning Commission.

All cases remaining on the Consent Calendar will be approved by the Planning Commission by adopting the findings and conclusions in the staff report, adopting the Exemption Declaration or certifying the

Negative Declaration, if applicable to that case, and granting the permit or entitlement requested, subject to the conditions contained within the staff report.

Cases which have been removed from the Consent Calendar will be heard immediately following approval of the remaining Consent items, in the ascending order of case number.

RULES PERTAINING TO ALL PUBLIC TESTIMONY

(Section 6.1, Article 6, Rules of Conduct)

1. No person shall address the Commission without first securing the permission of the Chairperson; provided, however, that permission shall not be refused except for a good cause.
2. Speakers may be sworn in by the Chairperson.
3. After a motion is passed or a hearing closed, no person shall address the Commission on the matter without first securing permission of the Chairperson.
4. Each person addressing the Commission shall step up to the lectern and clearly state his/her name and city for the record, the subject he/she wishes to discuss, and proceed with his/her remarks.
5. Unless otherwise designated, remarks shall be limited to three (3) minutes on any one agenda item. The time may be extended for a speaker(s) by the majority vote of the Commission.
6. In situations where an unusual number of people wish to speak on an item, the Chairperson may reasonably limit the aggregate time of hearing or discussion, and/or time for each individual speaker, and/or the number of speakers. Such time limits shall allow for full discussion of the item by interested parties or their representative(s). Groups are encouraged to designate a spokesperson who may be granted additional time to speak.
7. No person shall speak twice on the same agenda item unless permission is granted by a majority of the Commission.
8. Speakers are encouraged to present new evidence and points of view not previously considered, and avoid repetition of statements made by previous speakers.
9. All remarks shall be addressed to the Planning Commission as a whole and not to any member thereof. No questions shall be directed to a member of the Planning Commission or the City staff except through, and with the permission of, the Chairperson.
10. Speakers shall confine their remarks to those which are relevant to the subject of the hearing. Attacks against the character or motives of any person shall be out of order. The Chairperson, subject to appeal to the Commission, shall be the judge of relevancy and whether character or motives are being impugned.
11. The public participation portion of the agenda shall be reserved for the public to address the Planning Commission regarding problems, question, or complaints within the jurisdiction of the Planning Commission.
12. Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Commission, shall be forthwith barred from future audience before the Commission, unless permission to continue be granted by the Chairperson.
13. The Chairperson, or majority of the members present, may at any time request that a police officer be present to enforce order and decorum. The Chairperson or such majority may request that the police officer eject from the place of meeting or place under arrest, any person who violates the order and decorum of the meeting.

14. In the event that any meeting is willfully interrupted so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals willfully interrupting the meeting, the Commission may order the meeting room cleared and continue its session in accordance with the provisions of Government Code subsection 54957.9 and any amendments.

APPEALS OF PLANNING COMMISSION DECISIONS:

All decisions of the Planning Commission may be appealed to the City Council. Appeals must be filed, in writing, with the City Clerk's Office within ten (10) days following the date of action of the Planning Commission. The appeal period commences on the day following the Commission's action and concludes on the tenth calendar day following that date. If the closing date for appeals falls on a weekend or holiday, the closing date shall be the following business day. All appeals must be accompanied by an appeal fee of 25% of original application fee up to a maximum of \$500.00 and must be received by the City Clerk's Office by 5:00 p.m. on the closing date.

Planning Commission decisions on applications which do not automatically require City Council review (e.g. Zoning Map Amendments and General Plan Amendments), become final following conclusion of the appeal period, if a written appeal has not been filed in accordance with the appeal procedure outline above.

No appeal fee shall be required for an appeal of a decision on a Coastal Development Permit application.

August 14, 2015

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

AFFIDAVIT OF POSTING

Pursuant to the requirements of Government Code Section 54955, agendas for a regular commission meeting must be posted at least seventy-two (72) hours in advance and in a location that is freely accessible to members of the public. As Planning Analyst of the City of Redondo Beach, I declare, under penalty of perjury, that in compliance with the requirements of Government Code Section 54955, I caused to have posted on Friday August 14, 2015, the agenda for the August 20, 2015 Regular Meeting of the City of Redondo Beach Planning Commission in the following locations:

City Hall, Door "A", 415 Diamond Street, Redondo Beach
City Clerk's Counter, Door "C", 415 Diamond Street, Redondo Beach



Lina Portoles
Planning Analyst



CITY OF REDONDO BEACH
PROOF OF POSTING
PLANNING COMMISSION MEETING AGENDA

I, Lina Portolese, hereby declare, under penalty of perjury, that I am over the age of 18 years and am employed by the City of Redondo Beach, and that the following document: Planning Commission Regular Meeting Agenda of August 20, 2015 was posted by me at the following location(s) on the date and hour noted below:

Posted on: 8/14/2015 at 2:30 pm
(date) (time)

Posted at: City Hall, Door "A", 415 Diamond Street, Redondo Beach

City Clerk's Counter, Door "C", 415 Diamond Street, Redondo Beach


Signature

8/14/15
Date

CALL TO ORDER

A Regular Meeting of the Planning Commission was called to order by Chair Biro at 7:00 p.m. in the City Hall Council Chambers, 415 Diamond Street, Redondo Beach, California.

ROLL CALL

Commissioners Present: Biro, Gaian, Goodman, Mitchell, Rodriguez, Sanchez, Ung
Commissioners Absent: None
Officials Present: Cheryl Park, Assistant City Attorney
Tyson Sohagi, CEQA Legal Consultant
Aaron Jones, Community Development Director
Anita Kroeger, Senior Planner
Marianne Gastelum, Assistant Planner
Alex Plascencia, Associate Planner
Jason Friedman, Planning Intern
Lina Portolese, Planning Analyst

SALUTE TO THE FLAG

Commissioner Sanchez led the Commissioners and audience in a Salute to the Flag.

APPROVAL OF ORDER OF AGENDA

Community Development Director Aaron Jones requested that Item 8 be pulled which will be re-advertised come back at a later date.

Motion by Chair Biro, seconded by Commissioner Mitchell, to pull Item 8 off the agenda. Motion carried unanimously.

CONSENT CALENDAR #4 THROUGH #7

Motion by Commissioner Sanchez, seconded by Commissioner Rodriguez, to approve the following Consent Calendar items, and by its concurrence, the Commission:

4. **APPROVED AFFIDAVIT OF POSTING FOR THE PLANNING COMMISSION MEETING OF** July 16, 2015.
5. **APPROVED THE FOLLOWING MINUTES:** Regular Meetings of May 14, 2015 and May 21, 2015.
6. **RECEIVED AND FILED THE STRATEGIC PLAN UPDATE OF** June 16, 2015.
7. **RECEIVED AND FILED WRITTEN COMMUNICATIONS**

Motion carried unanimously.

AUDIENCE OATH

Chair Biro asked that those people in the audience who wish to address the Commission on any of the hearing issues stand and take the following oath:

Do each of you swear or affirm that the testimony
you shall give shall be the truth, the whole truth,

and nothing but the truth?

People in the audience stood and answered, "I do."

EX PARTE COMMUNICATIONS

Commissioner Rodriguez disclosed communications with neighbors, citizens, and Save the Riviera.

Commissioner Gaian disclosed communications with neighbors, citizens, Save the Riviera, and also attended Councilmember Ginsburg's District meeting.

Commissioner Sanchez disclosed communications with Chair Biro earlier today.

Chair Biro disclosed meeting with the applicant for Legado.

EXCLUDED CONSENT CALENDAR ITEMS – None

BLUE FOLDER ITEMS – None

PUBLIC HEARINGS

8. APPROVE REALIGNMENT OF TWO ADJACENT LOTS 537 S. GERTRUDA AVENUE CASE NO. 2015-07-PC-009

This Item was pulled from the Agenda to a future date.

9. APPROVE REALIGNMENT OF THREE ADJACENT LOTS 2516, 2518, AND 2520 NELSON AVENUE CASE NO. 2015-07-PC-010

Motion by Commissioner Sanchez, seconded by Commissioner Rodriguez, to open the Public Hearing and receive and file all documents at 7:05 p.m. regarding Case No. 2015-07-PC-010, the applicant being E&S Prime Builders, Inc., to consider approval of a Lot Line Adjustment to realign the property lines of three adjacent lots to the original 50-foot widths, and Planning Commission consideration of Exemption Declarations, Administrative Design Reviews, and Vesting Tentative Parcel Map Nos. 73555, 73556, and 73557, to allow the construction of three, 3-unit residential condominium developments on properties located within a Low-Density Multiple-Family Residential (R-3) zone. Motion carried unanimously.

Project Planner Jason Friedman gave a staff report and discussed the following:

- Lot Line Adjustment background and request
- Evaluation – makes all parcels more conforming, maintain functional size and shape, consistency
- Administrative Design Reviews
 - Three 3-unit residential condo developments
 - Typically reviewed administratively by Planning staff
 - Referred to PC to be handled concurrently with Lot Line Adjustment request
- Proposed
 - Green wall facing their property
 - Lower overall height
 - Reconfigure placement of windows
 - Lower finished floor
 - Replace two existing side PL walls on the west side of their property

- Agreed to
 - Lower height of development at 2520 Nelson Avenue by 1-foot
- Evaluation
- Condition added – developer utilize materials and colors as recommended
- Recommendation

Elizabeth Srour, Srour & Associates, spoke on the project and discussed the lot realignment and development of each unit. She said staff as reviewed the proposals and all codes have been met and would be suitable for the area. She stated discussions have taken place with the neighbors and pointed out that most of the windows on east side relate to non-major living areas. She said the west side also has this same orientation and all vehicle activity will be on opposite side of 2522. She stated all major living areas are oriented away from 2522 which is beneficial to the residents, and each unit is in compliance with the Zoning Code. She also said the overall height at 2520 has been reduced by 1 foot at its highest point. She said the applicant has reviewed all conditions and is in agreement.

In response to Commissioner Sanchez, Ms. Srour stated the lots slope and did not know if the windows are exactly opposite.

Ms. Srour reviewed the orientation of the units and explained that the living room is oriented to the front and not to the east, keeping the living area away from the adjacent owners. She also said the windows in the bedrooms are very small and some of the windows will have some relationship to the decks.

In response to Commissioner Gaian, Ms. Srour reviewed the concerns presented. She also explained that there will be a homeowners association regarding the exterior of the buildings and water issues in terms of maintenance, repair and upkeep, which is why the developer chose not to put in a green wall and due to issues of it fitting into the design. She also pointed out with the development and elevation of the property, windows will be looking down at 2520 at some point.

Manuel George, project architect, reviewed the requests of the homeowners and said the applicant has tried to be a good neighbor. He also noted that the windows are necessary for the owners to enjoy light and ventilation.

Planning Intern Jason Friedman indicated that reconfiguration of the windows was discussed at the community meeting, but the applicant was not able to reconfigure them to grant more privacy.

Community Development Director Aaron Jones stated the applicant is willing to work with staff on the windows.

Assistant Planner Marianne Gastelum referred to 2520 Nelson and stated there are two property line walls on adjoining property to the east, and the existing walls will not be torn down.

Motion by Commissioner Sanchez, seconded by Commissioner Goodman, to close the Public Participation Section at 7:38 p.m. Motion carried unanimously.

Chair Biro requested that the relationship between the neighbors to the east and west and the proposal be included in the staff report.

In response to Commissioner Mitchell, Community Development Director Aaron Jones explained that the neighborhood is mainly zoned R3 and the proposal is to restore to the original subdivision, approving the adjustment and putting the proposal back to same size lot as in the neighborhood.

In response to Commissioner Rodriguez, Community Development Director Aaron Jones stated the R1 lots are the remaining lots and are not consistent with the current neighborhood.

In response to Chair Biro, Community Development Director Aaron Jones recommended a condition that the applicant work with staff to prepare a window analysis showing the relationship to abutting properties and consider changes in material, size or location, subject to Community Development Department approval.

Motion by Chair Biro, seconded by Commissioner Goodman, to approve Case No. 2015-07-PC-010, a Lot Line Adjustment to realign the property lines of three adjacent lots to the original 50-foot widths, and Planning Commission consideration of Exemption Declarations, Administrative Design Reviews, and Vesting Tentative Parcel Map Nos. 73555, 73556, and 73557, to allow the construction of three, 3-unit residential condominium developments on properties located within a Low-Density Multiple-Family Residential (R-3) zone subject to the 8 Findings and 29 Conditions in the staff report plus Condition No. 30 as recommended by staff.

Prior to the vote:

Commissioner Gaian stated he would like to see more information on the window placement and impacts to the properties before approving the project.

Commissioner Rodriguez stated he would like to see the neighborhood on presentations to allow the citizens to have the same information.

Commissioner Sanchez suggested working with staff and the applicant, and to meet with the neighbors regarding the windows.

Community Development Director Aaron Jones stated staff has met with the neighbors and will continue working with them.

Motion carried, with Commissioner Gaian voting no.

Commissioner Mitchell recused himself at 7:50 p.m.

OLD BUSINESS

10. APPROVE CONSTRUCTION OF A MIXED-USE DEVELOPMENT 1700 S. PACIFIC COAST HIGHWAY CASE NO. 2015-03-PC-005

Motion by Commissioner Sanchez, seconded by Commissioner Goodman, to open the Public Hearing and receive and file all documents at 7:51 p.m. regarding Case No. 2015-03-PC-005, the applicant being Legado Redondo, LLC, to consider adopt/certify a (Revised) Mitigated Negative Declaration, Initial Study (IS-MND), and Mitigation Monitoring and Reporting Program (including modified mitigation measures), a revised application for Conditional Use Permit, Planning Commission Design Review, Landscape and Irrigation Plans, and Minor Subdivision (Vesting Tentative Tract Map No. 72662) for the construction of a mixed-use development to include 149 residential apartment units (a reduction from 180), approximately 37,000 square feet of neighborhood serving commercial development (a reduction from 37,600), and renovation of the existing 100-room hotel. A total of 649 parking spaces (an increase from 614) will be provided, with 587 parking spaces in an enclosed parking structure and 62 spaces in an existing surface parking lot. The project is designed to be a maximum of three (3) stories and 45 feet above existing grade (a reduction from four (4) stories and 56 feet). The IS-MND is being revised, and includes an approximately

two page discussion to reflect these and other changes, and impacts are anticipated to be reduced in comparison to the previously analyzed project description. The property is located with a Mixed-Use (MU-3A) zone. Motion carried unanimously.

Senior Planner Anita Kroeger gave a staff report and discussed the following:

- Vicinity Map
- Photographs of the site
- Background
- Project Description
- Current Rendering
- Additional Project Components/Attributes
- Architecture
- Landscape/Hardscape
- Lighting
- Summary of Changes
- Issues – March 2015 Public Hearing
 - Building Height: Stories and Feet
 - Density – reduced by 18%
 - Scale of Development
 - Mass and Volume of Easterly Structure
 - East Elevation Then and Now
 - Avenue G/Project
 - PL between the 2 Sites
- Traffic
 - Study Criteria
 - 245 trips at PM Peak HR at PCH & PVB
 - Remove raised medians
 - Restriping on PCH
 - New right turn only added traveling southbound
 - New deceleration lane traveling northbound
 - Increase lane width
 - Bicycle lanes extended
 - Signal crosswalk timing extended
 - Caltrans required 12 foot lanes
 - Caltrans concur with the traffic mitigation presented
 - Safety
 - Safety/Crime Prevention Conditions
 - PD input
 - 14 specific conditions
 - All conditions must be implemented prior to issuance of C of O
 - Legado has agreed to all
 - Noise
 - 2 Acoustical Analyses – traffic/equipment
 - Neither rear access roadway, nor rooftop mechanical equipment will result in significant noise impacts
 - Apartments versus Condos
 - Extensive research indicates:
 - Largest sector of renters: 35-39 years old
 - Diversity in age, income, family status & seniors
 - Renters = homeowners pushed out during recession

- Millennials = renters-by-choice
 - S. Cal history of policies & nimbys – skyrocketing home prices & rent
- Environmental Review
 - Comprehensive Final IS-MND
 - Potentially significant unless mitigation incorporated:
 - Air quality
 - Biological resources
 - Geology/soils
 - Traffic
 - Utilities
 - Summary of 82 response to comments
 - Traffic
 - Parking
 - Access Road
 - Aesthetics
- Entitlement Process
 - IS-MND-MMRP
 - Project Entitlements
 - Conditional Use Permit
 - Planning Commission Design Review
 - Vesting Tentative Tract Map
- Project Evaluation
 - Mitigates all significant environmental impacts
 - Conforms to GP
 - Meets all development standards for MU-3A
 - Meets all criteria for CUP & PCDR
- Recommendation

Edward Zuker, CEO and family owner of Legado Companies, gave a presentation and discussed the following:

- Background of his company
- Community Outreach
- Issues
 - Size/Density/height – 53%
 - Reducing from 180 units to 149 units
 - Units per acre 55 DU/AC to 45 DU/AC
 - Stories – reduced to 2 to 3 stories
 - Height – 56 feet down to 38 feet
 - Parking – 6%
 - 614 – spaces increased to 649 spaces
 - 2 levels increased to 3 levels
 - 1.37 spaces/unit increased to 2.33 spaces/unit
 - Traffic – 29%
 - 3 lanes increased to 4 lanes
 - 10 - 11 feet lanes – all widen to 12 feet
 - Increase walkability on PCH
 - Increase alternative transportation
 - Security – 4%
 - Monitoring CCTV and AV entry system
 - Regular daily patrol by security personnel
 - Garage lighting plan

- Gates separates
 - Cell phone at all parking levels
- Other – 8%
 - Rooftop equipment Low noise equipment
 - Access Road less than existing ambient noise
 - Operation policy prevents nuisance to residents and neighbors
 - Improve wastewater system build 450 LF of new 12” wastewater system
- Enriching underutilized corner
- Summary of Proposed

Jo Ellen Parks, 504 Avenue G, supported the project and supported staff and the applicant for their input and help.

Mike Dube, 259 Paseo De Granada, believed the project is flawed and that the applicant has done inappropriate outreach and presented inaccurate data. He did not support the design and believed it doesn't belong in a beach community.

Motion by Chair Biro, seconded by Commissioner Goodman, to receive and file material presented by Mr. Dube. Motion carried unanimously.

Ray Benning, 211 Avenue G, opposed the project and believed the project should not be approved, even though it meets all code requirements and regulations, and believed it is out of place for the neighborhood and City. He also expressed concern with traffic impacts, and outreach efforts.

Amy Josefek opposed the project and expressed concern with density, the geological impacts, underground parking, traffic impacts, water impacts, impacts to the City, and the architectural design.

Pamela Cambar requested that the Commission deny the project and expressed concern with impacts to the area and the project being inappropriate. She also asked about overlay requirements and view obstructions, and questioned the land stability. She also expressed concern with the increased risk of removing the medians on PCH and accidents.

Joyce Neu, 201 Calle Miramar, expressed concern with impacts to quality of life and opposed the project. She asked that the Commission look at what is right and believed that many of the residents will be negatively impacted. She supported an agreed on vision conducted on a participatory process. She also expressed concern with the proposal and the outreach report presented by Legado. She asked there be a moratorium on all development until it is known what would be the best development for the future.

Motion by Chair Biro, seconded by Commissioner Goodman, to receive and file the results of an outreach program presented by Ms. Neu. Motion carried unanimously.

Mary Trainer opposed removing the median on PCH and asked if the tree would be removed as well. She said more mature trees are needed and expressed concern with water impacts from Legado. She opposed the proposal.

Susan Renick, 416 Avenue G, opposed the developer and massive/dense impacts to the City. She said beach cities do not fit with the glass/steel architecture presented and noted traffic and parking impacts at the beach. She supported a moratorium until a master plan is provided, and stated the collective impact needs to be assessed. She noted mixed use development failing with many impacts, and said the project will have a catastrophic impact to the community forever. She asked that the Commission not approve the project.

Walt Howells, District 2, 619 N. Irena, opposed more overdevelopment, condos and more apartments, and expressed concern with density issues. He supported developments that have a thought process for quality of life. He also did not support the architecture presented with no PV stone, and he asked that the Commission not approve the project.

Jane Abrams, 416 Avenue G, expressed concern with traffic impacts and believed the revised project is still too dense and out of character. She also expressed concern with safety issues and believed their measures will not prevent crime.

Jeff Abrams, 416 Avenue G, stated the project is still too bulky and dense with impacts to the area without the required open space. He expressed concern with the concrete wall and more bulk on the PV side and facing the hotel. He opposed the revised proposal.

Ellen Margetich presented an analysis on water usage from the project which could use up to 84,289 million gallons over a five year period.

Motion by Chair Biro, seconded by Commissioner Goodman, to receive and file documents presented by Ms. Margetich. Motion carried unanimously.

Peter Verenkoff opposed the project and the traffic analysis presented and removing the raised medians. He stated the site currently has difficulty with access and traffic circulation and believed the project will cause harm to the area.

Marilyn Brajevich, Prospect and PV Blvd., expressed concern with additional traffic on the streets and impacts to the community, and believed the City could not handle the additional traffic generated by the project.

Andy Shelby, 1800 S. Pacific Coast Highway, opposed the project as proposed and expressed concern with density, bulk, traffic and character of the project.

Arinna Shelby, 1800 S. Pacific Coast Highway, expressed concern with the proposal and impacts to the community and safety concerns. She did not support the new proposal which is still too large and overwhelms the corner and area. She also expressed concern with parking and traffic impacts.

Bruce Szeles, Torrance, supported a blue zone walkable area in the Riviera Village.

Regna Fitzgerald expressed concern with the scope of the project, especially for the corner which is out of character for the City and too massive with traffic impacts. He also expressed concern with HUD involvement. He opposed the project.

Michael Bahe, Hollywood Riviera, expressed concern with the project and impacts to the community and did not support the architecture.

Julie Moore, 416 Avenue G, opposed the project and expressed concern with the project being too large and the architecture being out of character, along with traffic and safety impacts, and traffic cutting through the neighborhoods. She also expressed concern with a massive development proposed by outside interest, basing findings on national statistics.

Stella Leoustini agreed with all concerns presented and expressed concern with more density and believed Redondo Beach should be preserved.

Don Moore did not support the presentation and the proposal and asked that the Commission vote the project down.

Lavonne Diamond expressed concern with adding more people and a hotel at an intersection which would impact the three major arteries. She also expressed concern with a lack of hospitals in the City and opposed the project.

Bertin Guillory, Avenue G, stated the building is out of character in the City and does not fit and expressed concern with traffic impacts.

Dwight Garlie, 220 Camino De Las Colinas, stated the project is too big and dense and out of place at the proposed location. He also said this will add to the current traffic congestion and safety concerns. He further said the building design is inconsistent and believed a master plan is needed.

Donna Keller, Camino De Las Colinas, expressed concern with the traffic and safety issues.

Jeralyn Kirby opposed the project at the corner and architecture which doesn't fit the area. She also expressed concern with more traffic and congestion and safety issues. She noted traffic already impacts the neighborhoods and adding more lanes on PCH will not solve the problem. She also expressed concern with losing the trees on the medians and asked that the project not be approved.

Suzanne McCune, S. Gertruda, supported comments tonight and asked that the project not be approved. She asked for a moratorium on all future developments. She also supported the beautiful building currently in place and asked that it be restored with the green lawn setback in the front. She asked that the project not be approved, and also expressed concern with safety issues when crossing PCH.

Gayle Noon asked how the businesses will be affected from the project and she expressed concern with the traffic impacts.

Judy Brunetti, Riviera Homeowners Association, expressed concern with impacts from the project on traffic, existing buildings, and character in the area. She also expressed concern with the cumulative effect ruining the area, and believed that the revised proposal is still too large, impacting the quality of life.

Rhonda Cress, Avenue G, expressed concern with removing trees and misinformation from Legado, and opposed the project.

David Garten expressed concern with the staff report and stated he opposed the project and asked that the Commission decline approval. He said the project needs to be revamped and believed it is out of character and opposed the developer's presentation.

Christina Wennstrom opposed the project and stated it is too large and out of character. She also expressed concern with impacts to small businesses in the City.

Patricia Williams, 412 Avenue G, supported a moratorium on building and opposed overdevelopment in the area and impacts to quality of life.

Carol Skramstad expressed concern with comments regarding the community being outdated and believed the large proposal will not help the walkability of the Riviera Village. She opposed the project and asked that the Commission not approve the proposal. She also suggested having a plan for the Riviera.

Honey Faith, 131 Paseo De Las Delicias, opposed the project and expressed concern with density and traffic and noted the project will add more impacts. She also expressed concern with parking impacts.

Andrea Madenwald, 122 Camino de Las Colinas, expressed concern with egress/ingress issues out of the project and noted there are already many traffic impacts in the area. She said the project is too dense and large and expressed concern with taking views away from the current hotel.

James Hursi stated the project does not fit in the community and urged the Commission to deny the project.

John Fujita, S. Helberta, expressed concern with the large proposal and asked if the analysis has been calibrated to what is new regarding the traffic study. He also expressed concern with cut through traffic to side streets and the Avenues.

Patricia Fujita expressed concern with impacts to schools from overdevelopment and traffic and parking issues.

Nils Nehrenheim, Avenue E, expressed concern with density and traffic and recommended that the traffic mitigations be implemented regardless if the project is approved. He also questioned the bike path in the rendering being in the middle of PCH.

Mark Bastion, 412 Avenue G, believed the proposal does not fit with the community and expressed concern with safety, privacy and traffic issues. He opposed the project.

Bob Hoffman, Hollywood Riviera, stated the proposed corner is very complex and requires the proper development and needs to be sustainable. He also questioned pedestrian development, development bonus, and traffic impacts, and said the City should decide what is developed, not Legado. He said it is important to learn from past mistakes and build something sustainable.

Candace Nafissi opposed the project and traffic impacts. She said it is important to think collectively and to have a master plan with a vision. She also expressed concern with staff interaction at the community meetings and City staff not being present. She urged the Commission to oppose the project and preserve the quality of life.

Gigi Gonzalez, 108 Palos Verdes Blvd., opposed the development and flawed outreach, and impacts to the City. She also questioned the leases at the property and catering to long-term tenants.

Joe Oliveri, Avenue F, opposed the aesthetics of the building and supported something that has charm and reflecting the attitude of the community.

Nancy Langdon opposed the techniques in the traffic study, and supported making the community beautiful and livable.

Melissa Price, Palos Verdes Blvd., expressed concern with traffic and impacts to the community. She questioned how PCH would be widened and believed this project will make all impacts worse.

RECESS: 10:49 P.M.

Motion by Chair Biro, seconded by Commissioner Rodriguez, to recess at 10:49 p.m. Motion carried unanimously.

RECONVENE: 10:56 P.M.

ROLL CALL

Commissioners Present: Biro, Gaian, Goodman, Rodriguez, Sanchez, Ung
Commissioners Recused: Mitchell
Officials Present: Cheryl Park, Assistant City Attorney
Tyson Sohagi, CEQA Legal Consultant
Aaron Jones, Community Development Director
Anita Kroeger, Senior Planner
Marianne Gastelum, Assistant Planner
Alex Plascencia, Associate Planner
Jason Friedman, Planning Intern
Lina Portolese, Planning Analyst

Marcie Guillermo asked about the latest update on the hotel since the fire, opposed the project, and stated the numbers of the traffic project should be checked. She did not support the architecture, and expressed concern with the traffic impacts and the major intersections. She also noted other projects are being proposed which should be considered with the traffic and she did not support removing the medians. She also asked about the bus stops on PCH and delivery trucks, noise ordinance, air ventilation, privacy, setbacks, and asked that a moratorium be in place on future development and to update the General Plan.

Susie Parrot supported the Riviera and South Redondo, and characteristics of the Village. She said development should be appropriate for the environment and asked that the Commission listen to the residents.

Rick Battolini, 88 Palos Verdes Blvd., opposed the project and noted the community has been against the project for some time. He expressed concern with safety personnel and schools, and impacts during the construction period. He also expressed concern with crime and safety issues, resources, water, trash and electricity, and stated there is a cost of doing business.

Lisa Hebrew, 1318 S. Prospect, noted sirens at the intersection all the time and believed the project will impact the area further. She said traffic will start using Prospect more and more and she opposed the project. She urged that the Commission vote no on the project.

Fernando Villa, 515 S. Flower Street, Los Angeles, applicant, responded to the following:

- Last Planning Commission meeting – consider redesigning and refining the project to be smaller in scale – comply with City’s codes rather than State
- Increase parking, reduced units, complied with all other requirements
- Project meets and exceeds all requirements – project entitled to be approved
- Traffic study very carefully prepared by City Traffic Engineer and Caltrans – carefully vetted
- Capacity has improved – intersection 10% in capacity over existing usage today
- City has delineated design criteria and stated this has been met
- Security – conditions direct result with interaction of City Police Department
- Entire site can be used to calculate density per City code
- Water impacts addressed by Legado paying for wastewater conveyance system
- Changed project as a result of community outreach and staff
- Dedicated left turning lanes mitigation measures requiring removal of some trees in the medians
- Net increase in retail 11,000 square feet
- Legado will remain the owner and has interest to see project succeed
- Initial study concluded that no significant impact to schools – fully vetted and determined
- Update on hotel fire – Legado engaged and submitted claim to the insurance company – repair site

Henry Rogers, PEAR Strategies, addressed community outreach and discussed the following:

- Process – Phase I – relied on heavy mail component
- Looked at community meetings and invited neighbors – expand network – asked for input
- Met with staff weekly to discuss what was moving forward and how to improve
- Concerns – traffic, density, size, type
- Helped to address concerns weekly
- Broader outreach took place – identified areas in the community
- District 1 – divided up – met the residents – went door to door
- District 4 and 5 in North Redondo – door to door – asked for community support
- Process and reporting changed
- Hit major community groups
- Made available and became proactive soliciting comments and concerns

In response to Commissioner Sanchez, Mr. Rogers stated they allotted time between 9 to 11 a.m. at the meetings but time went over up to approximately one hour at each meeting. He said their team walked from March to June 1 five days a week, and stated the walkers were instructed not to leave literature if no one was home. He also stated they met with the Chamber who decided not to endorse the project. He indicated they approached the Riviera BID who supported the project after two meetings. He also said the R4 Group went well who was concerned with development in the City and didn't want to involve themselves in the project, noting they were involved in a local election. He said they also met with Voices for Redondo which is a group dedicated to development of the waterfront. He also said they met with the Sunset Riviera Homeowners Association who had questions regarding the project and noted the meeting was very productive but didn't support the project. He reviewed the logistics of the meetings and said there were some individuals who refused to sign in or provide their names.

In response to Commissioner Rodriguez, Mr. Rogers said they did their best to include everyone broadly and said they did get some feedback from those near the project. He also said that reports were not provided to the Sunset Riviera as promised, and the support cards indicated 255 in support and 4 to 5 against, which included District 1, 4, 5 and parts of 2.

In response to Commissioner Ung, Mr. Rogers stated the reports were to solicit support but said negative comments were provided as well.

In response to Commissioner Goodman, Mr. Rogers stated the objective in the outreach was to broaden the scope and reach more people and then document their concerns. He also said community meeting number 3 showed the project being proposed and no comment cards were received.

Commissioner Goodman expressed concern with a discrepancy from the outreach and what the public is stating tonight at the meeting. He also said the objective is more important than the process.

Chair Biro stated the outreach should be about trust and he expressed concern with that not taking place. He also said no one on his street received any comment cards.

Mr. Rogers said they tried to show outreach and the response received.

Chair Biro noted gaps that didn't get done by Legado with the outreach.

Commissioner Gaian stated outreach was supposed to be about talking to the residents and said he never heard a word regarding this project.

Mr. Rogers also said there were community meetings that took place, listening to the neighbors which was put in a detailed report.

Commissioner Gaian expressed concern with no one coming to the meeting tonight in support of the project.

Commissioner Goodman suggested a proposed project that most people will like, and pointed out that the Commission does not have to approve this project. He believed there should be some responsibility in listening to what people have to say and believed there would be more if they had known about the project.

Commissioner Rodriguez stated based on responses tonight, the project doesn't fit with the neighborhood, being still too bulky and massive. He appreciated it being over parked but expressed concern with only having 42 bicycle spaces. He also believed concerns should have been heard in the community outreach rather than just getting the project under the wire for approval.

Commissioner Sanchez stated he wants Legado to be successful and suggested finding a way where we're all better off.

Liz Culhane, Overland Traffic Consultants, addressed traffic mitigation measures and street improvements and discussed the following:

- Based on City process
- Evaluated 11 intersections
- PCH and PVB
- Widening
- Dedicated right-turn lanes
- Removal of islands – provide left turn lanes
- Provide more facilitated movement along PCH
- Create accelerated and decelerated lanes
- Improvements increase capacity
- Accommodate project traffic and existing conditions
- Encouraging people to stay on major thoroughfares
- Sidewalk widening
- Position of bike lanes
- Credit and trip generation

Commissioner Gaian stated by allowing Vista Del Mar to stay open with a right-turn lane will create traffic issues.

Commissioner Ung expressed concern with removing the median which may create safety issues.

Commissioner Goodman stated a concern is the traffic being bad now and projects can only mitigate so much, but reducing density will reduce the impacts.

Commissioner Rodriguez stated the raised island will not gain much and the people going North on PCH will back up.

Mr. Villa stated the code has certain criteria for approval which the project has met. He also said their intent was not telling residents that they had to sign the cards. He said the reports were submitted to the City and any miscommunications to the Sunset Riviera Homeowners were not intended. He said the goal in community outreach was to elicit comments from the community to take back and decide how to revise the project. He also said they were reporting to staff after each community meeting, and the revised project was presented at the third meeting. He said the study went a long way to mitigate items to a level of

insignificance. He further said the size and density is in line with the code requirements and the project is consistent with the City Code.

Commissioner Gaian advised that even if the project meets the criteria, the process with the Planning Commission still takes place.

In response to Chair Biro, Mr. Villa believed they have the project right from what the City wants for the site and has to be conditionally approved.

Commissioner Gaian pointed out that the mixed use is mandated by the City, not Legado.

Motion by Commissioner Rodriguez, seconded by Commissioner Sanchez, to close the Public Hearing at 12:24 a.m. Motion carried unanimously.

Commissioner Goodman stated the zoning may need to be changed, and stated he is not ready to approve the project.

Commissioner Gaian pointed out that the General Plan is 23 years old but the cost is prohibitive to redo it.

Motion by Chair Biro, seconded by Commissioner Sanchez, to reopen the Public Hearing at 12:28 a.m. Motion carried unanimously.

In response to Chair Biro, Mr. Villa stated the applicant requests that the Commission vote on the item tonight.

Motion by Chair Biro, seconded by Commissioner Sanchez, to close the Public Hearing at 12:30 a.m. Motion carried unanimously.

Tyson Sohagi, CEQA Legal Counsel, spoke on the basis for denial of the project.

Assistant City Attorney Park advised a motion to continue for staff to come back with sufficient findings required under the government code so a decision of denial is supported.

Motion by Commissioner Rodriguez, seconded by Commissioner Goodman, to continue the hearing to the next Planning Commission meeting of August 20, 2015 to allow staff to come back with sufficient findings required under the Government Code so a decision of denial is supported.

Motion carried with the following roll call vote:

AYES: Rodriguez, Gaian, Ung, Goodman, Sanchez, Biro

NOES: None

RECUSED: Mitchell

Commissioner Mitchell returned to the dais at 12:37 a.m.

NEW BUSINESS

11. PROPOSED 2015-2020 CAPITAL IMPROVEMENT PROGRAM: FINDING OF CONSISTENCY WITH THE GENERAL PLAN.

Motion by Commissioner Sanchez, seconded by Commissioner Rodriguez, to adopt the following Resolution by title only:

RESOLUTION NO. 2015-07-PCR-XXX, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH FINDING THAT THE PROPOSED 2015-2020 CAPITAL IMPROVEMENT PROGRAM (CIP) IS CONSISTENT WITH THE ADOPTED GENERAL PLAN OF THE CITY OF REDONDO BEACH, AS REQUIRED BY SECTION 65401 OF THE CALIFORNIA GOVERNMENT CODE.

Motion carried unanimously.

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Amy Josefek expressed concern with approval of the Cape Point Development project and stated the residents are willing to help and to future projects work in the community.

Joyce Neu thanked the Commission for their time, thoughtfulness and consideration for the details on this item.

Marcie Guillermo asked about delivery trucks routes in the City. Community Development Director Aaron Jones stated there are designated truck routes throughout the City and to get in touch with the City Traffic Engineer.

COMMISSION ITEMS AND REFERRALS TO STAFF

Commissioner Gaian suggested having a standard set of submittal items from all applicants.

Commissioner Goodman suggested addressing new zoning.

ITEMS FROM STAFF

Community Development Director Aaron Jones stated the residential care for the elderly project at Knob Hill, updates to the City massage ordinance and tattoo ordinance, and housing element amendments will be included on the next agenda.

COUNCIL ACTION ON PLANNING COMMISSION MATTERS - NONE

ADJOURNMENT: 12:48 A.M.

There being no further business to come before the Commission, Motion by Chair Biro, seconded by Commissioner Rodriguez, to adjourn at 12:48 a.m. to a regular meeting to be held at 7:00 p.m. on Thursday, August 20, 2015 in the Redondo Beach City Council Chambers, 415 Diamond Street, Redondo Beach, California. Motion carried unanimously.

Respectfully submitted,

Aaron Jones
Community Development Director



Administrative Report

Council Action Date: July 21, 2015

To: MAYOR AND CITY COUNCIL

From: JOE HOEFGEN, CITY MANAGER

Subject: STRATEGIC PLAN UPDATE ON SIX-MONTH OBJECTIVES

RECOMMENDATION

Receive and file the monthly updates to the six-month strategic objectives established at the Strategic Planning Retreat held on April, 2, 2015.

EXECUTIVE SUMMARY

On April 2, 2015, the City Council held a Strategic Planning Workshop to establish six-month objectives. The objectives set were adopted by the City Council at the April 21, 2015 Council Meeting. Monthly updates are provided to the Mayor and Council to enable them to monitor the City's progress. This current update is the third of the April 2, 2015 Strategic Planning session's six-month objectives. The next Strategic Planning Retreat will be held on October 14, 2015.

BACKGROUND

The City Council's Strategic Plan directs the development of the City budget, program objectives, and performance measures. The goals provide the basis for improving services, and preserving a high quality of life in the City.

The City began strategic planning in 1998 with the creation of the first three-year strategic plan covering the period of 1998-2001. In October 2001, a second three-year plan was developed for 2001-2004. At the February 25, 2003 retreat, these Core Values were added: Openness and Honesty, Integrity and Ethics, Accountability, Outstanding Customer Service, Teamwork, Excellence, Environmental Responsibility, and Fiscal Responsibility. A third three-year plan was developed in March 2004, covering the period of 2004-2007, and including a vision statement. In September 2007, the fourth three-year plan was developed with new goals and objectives. A fifth three-year plan was developed on March 3, 2010. Finally, the sixth three-year strategic plan was developed on September 12, 2013. The following are the five strategic plan goals for 2013-2016. They are not in priority order:

- Vitalize the waterfront, Artesia Corridor, Riviera Village and North Redondo Beach Industrial complex
- Improve public infrastructure and facilities in an environmentally responsible manner
- Increase organizational effectiveness and efficiency
- Build an economically vital and financially sustainable city
- Maintain a high level of public safety with public engagement

The City Manager provides monthly updates to the adopted six-month objectives to enable the Mayor and City Council to monitor the City's progress on the Strategic Plan.

COORDINATION

All departments participated in the development of the Strategic Plan and in providing the attached update.

FISCAL IMPACT

The total cost for this activity is included in the Mayor and City Council's portion of the FY 2015-2016 Adopted Annual Budget.

Submitted by:

Joe Hoefgen, City Manager

Attachment:

- Strategic Plan Update - Six-Month Objectives dated July 21, 2015

CITY OF REDONDO BEACH  **SIX-MONTH STRATEGIC OBJECTIVES**
 April 2, 2015 – October 1, 2015

ACM=Assistant City Mgr CD=Community Development PW=Public Works WED=Waterfront and Economic Development CS=Community Services

THREE-YEAR GOAL: VITALIZE THE WATERFRONT, ARTESIA CORRIDOR, RIVIERA VILLAGE AND NORTH REDONDO INDUSTRIAL COMPLEX						
WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the May 19, 2015 City Council meeting	City Manager, City Attorney, PW Director, Finance Director	Develop and present to the City Council for action consideration of a resolution in support of the formation of a BID for Artesia Boulevard.			X	Staff to provide NRBBA with BID calculations prior to July 1, 2015. Resolution to be prepared upon receipt of request from NRBBA.
2. By September 1, 2015	PW Director	Recommend to the City Council for action the renaming of Torrance Blvd. west of PCH to the water.		X		
3. By September 15, 2015	CD Director and PW Director working with Riviera BID	Present to the City Council for action a site-specific pilot project for an outdoor dining deck in Riviera Village.		X		
4. By October 1, 2015	Assistant City Manager	Present options for alternative locations for installation of a new boat ramp to the City Council for action.		X		
5. By October 1, 2015	PW Director	Present to the City Council for action the restoration of the name Redondo Beach Blvd. instead of Artesia Blvd. within the City of Redondo Beach.		X		
6. By October 1, 2015	WED Director, working with regional agencies	Report on the status of the analysis of sea level rise and its potential impact on the Redondo Beach waterfront.		X		
7. Future objective	PW Director (lead), WED Director, and CS Director	Present to the City Council for action the recommended option for the development of Moonstone Park.				

BRAINSTORMED STRATEGIES TO ADDRESS IN THE NEXT 6 MONTHS:

- Rezoning or reuse of the AES property and surrounding properties east of Harbor Drive (shown as #8 below)

• Report on Manhattan Beach Boulevard landscaping and bike-ability (shown as #9 below)

8. At the June 16, 2015 City Council Meeting	PW Director	Present to the City Council a Budget Response Report on Manhattan Beach Boulevard landscaping and bike-ability.	X			
9. May 2015 to _____	City Council, Task Force, City Staff, Consultants	COMPREHENSIVE REZONING AND LAND USE PLAN AMENDMENTS FOR THE AES SITE AND SURROUNDING PROPERTIES EAST OF HARBOR DRIVE				
a. At the May 5, 2015 City Council Meeting	City Attorney working with the City Manager	Agendize for City Council direction on whether to continue to serve as an Intervenor before the California Energy Commission, the Public Utilities Commission, the Air Quality Management District and other agencies pertinent to AES Southland's efforts to seek approval of a new Power Plant. (The City's Intervenor Activities were temporarily suspended pending the outcome of Measure B which appeared on the March 3, 2015 ballot).	X			Council approved continued Intervenor activities
b. Prior to May 30, 2015	CD Director working with City Attorney	Present an ordinance to the Planning Commission to consider amending the Zoning Ordinance to clarify and further define "Electricity Generating Facility" and "Electricity Storage Facility" uses and specify that such facilities are not permitted uses in any zone in the City unless the California Energy Commission makes certain specified findings. (The existing moratorium on development of the AES site was enacted on December 3, 2013, extended on January 14, 2014 for 22 months and 15 days and expires on November 28, 2015).	X			Planning Commission held a public hearing on May 14, 2015 to provide recommendations to the City Council. Council introduced Ordinance on June 30 and adopted on July 7. Storage amendments continued to September 15
c. At the May 5, 2015 City Council Meeting	City Manager working with the City Attorney and CD Director	Provide a report to the City Council providing a recommended process for a City Council appointed task force and stakeholders to identify a recommended comprehensive rezoning and Land Use Plan amendments for the re-use of the AES property and surrounding properties east of Harbor Drive.	X			City Council received report on May 5, 2015 and deferred land use process decision until September 1, 2015 June 30, 2015
d. At the June 2, 2015 City Council Meeting	City Manager working with City Attorney and CD Director	Present to the City Council for action, a scope of work and an RFP process to retain a facilitator and other consulting services needed to support the work of the Task Force.			X	On hold pending follow up report on possible Task Force formation at the Sept. 1 st , 2015 July 21, 2015 Council Meeting.
e. At the June 16, 2015 City Council Meeting	City Attorney working with City Manager	City Council to consider allocating funding in the FY 2015-2016 operating budget for continued Intervenor status.	X			

f. At the June 16, 2015 City Council Meeting	City Manager working with City Attorney	City Council to consider allocating funding in the FY 2015-2016 operating budget for facilitator/consulting services needed to support the work of the Task Force.	X			Initially deferred until September 1, 2015 - now to be considered on June 16, 2015. Funding of \$157,500 was approved as part of FY 2015-16 Budget for Phase I
g. At the August 4 th City Council Meeting	City Manager with City Attorney and CD Director	City Council to select consulting services firms needed to support the Task Force following the RFP Process.		X		Deferred until September 1, 2015 – Date confirmed
h. Future date _____	Task Force, working with Consultants	Task Force/Consultants present findings and recommendations to the City Council.				

THREE-YEAR GOAL: *IMPROVE PUBLIC INFRASTRUCTURE AND FACILITIES IN AN ENVIRONMENTALLY RESPONSIBLE MANNER*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the June 2, 2015 Council Meeting	PW Director	Report the status of Bike Path improvements and connectivity.	X			Budget Response Report was presented on June 16, 2015

BRAINSTORMED STRATEGIES TO ADDRESS IN THE NEXT 6 MONTHS:

- Options to the City Council for a new or upgraded police station (shown as #2 below)
- Alternative financing options for the pier parking structure and other harbor public infrastructure (shown as #3 below)

2. By October 1, 2015	ACM working with Police Chief and PW Director	Present to the City Council a Report on the process for renovating or building a new Police Station.		X		
3. At the May 19, 2015 City Council Meeting	WED Director working with PW Director	Present to the City Council for review, options for financing the construction of a replacement Pier Parking Structure and other Harbor area public infrastructure.			X	Deferred to July 21, 2015 City Council Meeting

THREE-YEAR GOAL: INCREASE ORGANIZATIONAL EFFECTIVENESS AND EFFICIENCY

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the April 21, 2015 City Council meeting	CS Director (lead), City Attorney, City Manager and IT Director	Recommend to the City Council for action a pilot program for the use of social media.	X			
2. By July 15, 2015	IT Director, working with the City Clerk	Present to the City Council for action a plan to update the city's website.	X			Budget Response Report completed June 16, 2015
3. At the July 21, 2015 City Council meeting	City Attorney, working with the CD Director	Present to the City Council for direction options for the restructuring of the Redondo Beach Sister City Committee as a separate non-profit 501(c)(3) and/or an official city committee or commission.			X	Delayed due to workload
4. By August 1, 2015	City Treasurer, working with the City Attorney and City Manager	Present a status report on the Transient Occupancy Tax (TOT) to the City Council for direction.		X		
FUTURE: By December 31, 2015	City Manager	Appoint permanent department head positions: Public Works, Waterfront and Economic Development, Police Chief, Community Services, and Human Resources Director.		X		HR and WED Director appointed June 1, 2015. Police Chief job specification approved on July 7, 2015.
FUTURE: By Sept. 1, 2016	Finance Director, working with the IT Director	Recommend to the City Council for action update to the business license process, including printing of a certificate.		X		

BRAINSTORMED STRATEGIES TO ADDRESS IN THE NEXT 6 MONTHS:

- Report to the City Council how the City complies with and enforces the Historic Preservation Act (shown as #5 below)
- Need for an internal audit process on revenue and expenditure side (shown as #6 below)
- Expand opportunities for public outreach (shown as #7 below)

5. At the June 16, 2015 City Council meeting	CD Director	Provide a Budget Response Report describing how the City complies with and enforces the Historic Preservation Act.	X			BRR completed on June 2, 2015
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6. At the June 2, 2015 City Council meeting	City Treasurer working with the City Manager and Finance Director	Present to the City Council for action an internal audit process for enhanced review of City revenues and expenditures.	X			
7. At the August 18, 2015 City Council Meeting	City Manager	Present to the City Council an informational report on possible methods for expanded public outreach.		X		

THREE-YEAR GOAL: BUILD AN ECONOMICALLY VITAL AND FINANCIALLY SUSTAINABLE CITY

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the May 5, 2015 City Council meeting	Finance Director	Present to the City Council for direction a proposal to update the City's purchasing ordinance.	X			
2. At the June 16, 2015 City Council meeting	CD Director	Report to the City Council a Budget Response Report on what has been done to ease parking restrictions for businesses citywide.	X			

BRAINSTORMED STRATEGIES TO ADDRESS IN THE NEXT 6 MONTHS:

- Improve the passport process (e.g., take passport photos) as a revenue source (shown as #3 below)

3. At the June 2, 2015 City Council Meeting	City Clerk	Provide a Budget Response Report describing 1) the existing Passport Program, and 2) options for program improvement for enhanced revenue (e.g. take passport photos).	X			Budget Response Report was presented on June 16, 2015
4. At the May 5, 2015 City Council Meeting	CS Director working with City Attorney	Present to the City Council for direction a report on whether and how to negotiate with Car2Go for continuing service in Redondo Beach beyond June 6, 2015.	X			Car2Go decided to suspend their service to Redondo Beach residents until further notice on Sunday, May 31, 2015

THREE-YEAR GOAL: *MAINTAIN A HIGH LEVEL OF PUBLIC SAFETY WITH PUBLIC ENGAGEMENT*

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. At the April 7, 2015 City Council meeting	City Attorney, working with the CD Director, Police Chief and City Manager	Present to the City Council options for an ordinance banning mobile vendors from within 500 to 1000 feet from schools.	X			Ordinance presented at the June 2, 2015 council Meeting
2. At the April 7, 2015 City Council meeting	City Attorney, working with the CD Director, Police Chief and City Manager	Review current regulations and the feasibility of regulating amplified sound from mobile vendors.	X			
3. At the May 19, 2015 City Council meeting	Police Chief and City Attorney	Present to the City Council for action an ordinance to regulate parking in municipal public parking lots.	X			Ordinance was presented for second reading at the June 16, 2015 council meeting. Police Department to bring forward a Resolution with specific parking restrictions.
4. By July 1, 2015	Police Chief, working with the ACM	Provide training and fully implement the jail surveillance video camera system.			X	Associated APP is being finalized and readied for distribution.
5. At the August 4, 2015 City Council Meeting	Fire Chief, working with the PW Director, IT Director and Library	Report on the status of implementing an EOC on the Main Library Meeting Room.		X		
6. By September 1, 2015	PW Director and Police Chief	Develop plans and specifications for security fencing around the police station.		X		
7. By August 1, 2015	Police Chief, working with the HR Director	Report on the number of sworn police personnel in place to achieve the budgeted 93 positions.	X			A Budget Response Report that provides a sworn staffing update was presented to City Council on June 2, 2015.
8. By October 1, 2015	Police Chief, working with the PW Director and CS Director	Research and present to the City Council for direction options for construction of a canine training facility on an existing unused city parcel.			X	On hold pending decisions by Northrop Grumman on construction plans at their facility that may impact the Police Department's use of an identified City parcel.

BRAINSTORMED STRATEGIES TO ADDRESS IN THE NEXT 6 MONTHS:

No suggestions

<p>9. At the May 5, 2015 City Council Meeting</p>	<p>City Attorney working with the City Manager and Police Chief</p>	<p>Provide a report on a potential change to the Municipal Code to allow for extended hours of parking meter enforcement.</p>		<p>X</p>	<p>Work not completed as City Council designate did not provide follow up information</p>
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Administrative Report

Planning Commission Hearing Date: August 20, 2015

AGENDA ITEM: 8 (Public Hearing)

PROJECT LOCATION: CITY WIDE

APPLICANT'S NAME: CITY OF REDONDO BEACH

CASE NUMBER: 2015-08-PC-011

SUBJECT: **APPROVAL OF AN EXEMPTION DECLARATION AND ADOPTION OF PLANNING COMMISSION RESOLUTIONS RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCES AMENDING CHAPTER 2 ZONING AND LAND USE AND CHAPTER 5 COASTAL LAND USE IMPLEMENTING ORDINANCE OF TITLE 10 REGULATING TATTOO AND BODY PIERCING STUDIOS IN PLANNING AND ZONING OF THE REDONDO BEACH MUNICIPAL CODE**

RECOMMENDATION:

It is recommended that the Planning Commission:

- 1) Open the public hearing and take public testimony; and
- 2) Approve the Exemption Declaration; and
- 3) Adopt the following resolutions by title only, waiving further reading:
 - A) **RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH RECOMMENDING THAT THE CITY COUNCIL; (1) APPROVE AN EXEMPTION DECLARATION (2) AMEND SECTIONS 10-2.402, 10-.2.610, 10-2.620, 10-2.630, 10-2.640, AND ADD SECTION 10-2.1630 TO AMEND THE ZONING ORDINANCE TO ALLOW BODY ART BUSINESSES, ESTABLISHING STANDARDS FOR APPROVING BODY ART BUSINESSES AND REQUIRING ALL SUCH BUSINESSES TO OBTAIN A CONDITIONAL USE PERMIT**
 - B) **RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH RECOMMENDING THAT THE CITY COUNCIL; (1) APPROVE AN EXEMPTION DECLARATION (2) AMEND SECTIONS 10-5.402, 10-5.620, 10-5.630, 10-5.640, 10-5.710, 10-5.810, AND ADD SECTION 10-5.1630 TO AMEND THE COASTAL ZONING ORDINANCE TO ALLOW BODY ART BUSINESSES, ESTABLISHING STANDARDS FOR APPROVING BODY ART BUSINESSES AND REQUIRING ALL SUCH BUSINESSES TO OBTAIN A CONDITIONAL USE PERMIT**

EXECUTIVE SUMMARY

This report recommends that the Planning Commission adopt resolutions recommending that the City Council enact code amendments to regulate tattoo and body piercing studios. Currently, no regulations exist and the uses are, therefore, prohibited.

In 2010, a landmark court decision was rendered in *Johnny Anderson v. City of Hermosa Beach*. The U.S. 9th Circuit Court of Appeals ruled that cities cannot legally prohibit tattoo and body piercing businesses from operating. This type of service is a “purely expressive activity fully protected by the First Amendment,” subject only to reasonable “time, place, or manner” restrictions. Furthermore, the regulation of the time, place, or manner of protected speech “must be narrowly tailored to serve the government’s legitimate, content-neutral interests.” Ultimately, a ban against body art studios is considered unconstitutional, thus, the proposed ordinances establish guidelines to regulate this new use to the extent feasible. The intent is to provide greater protection for the community and to allow the City to effectively monitor and regulate body art businesses.

Representatives from the Community Development Department and the City Attorney’s office have drafted two ordinances. The first ordinance amends Section 10-2.1630 of the Zoning Ordinance to add regulations pertaining to tattoo and body piercing studios and modifying related Municipal Code sections for consistency. The second ordinance amends Section 10-5.1630 of the Coastal Zoning Ordinance to add regulations pertaining to tattoo and body piercing studios and modifying related Municipal Code sections for consistency. Both ordinances institute the same requirement that body art businesses obtain a Conditional Use Permit.

BACKGROUND

The Redondo Beach Municipal Code does not currently include tattoo and body piercing studios as a permitted use within any zone of the city. In fact, the definition of a “Personal convenience service” specifically excludes “tattoo parlors” as reflected in Sections 10-2.402 of the Zoning Ordinance and 10-5.402 of the Coastal Zoning Ordinance.

Tattooing is defined as a means of inserting “pigment, ink or dye under the surface of the skin of a person by pricking with a needle or otherwise, to permanently change the color or appearance of the skin or to produce an indelible mark or figure visible through the skin. Tattooing does not include application of permanent make-up that is performed as an incidental service in a beauty shop, day spa, or other service or retail establishment. Tattooing includes the removal of tattoos, except when removal is performed by a physician or other professional licensed by the State of California Medical Board as part of a medical practice.”

Body piercing is defined as puncturing, perforating, or penetrating “a human body part or tissue with an object, appliance, or instrument for the purpose of placing a foreign object

in the perforation to prevent the perforation from closing. This includes, but is not limited to, creating such an opening in the lip, tongue, nose, eyebrow or navel for the purpose of inserting jewelry or other decorations. Body piercing does not include piercing of the ear lobe or outer portion of the ear. Body piercing includes the removal of body piercing jewelry, except when removal is performed by a physician or other professional licensed by the State of California Medical Board as part of a medical practice”.

Effective July 1, 2012, Assembly Bill (AB) 300, also referred to as The Safe Body Art Act, is a chapter of the California Health and Safety Code intended to protect body art practitioners and clients from the transmission of infectious diseases. The Safe Body Art Act regulates tattooing, branding, body piercing, and permanent makeup. Under AB 300, all body art practitioners are required to annually register, obtain annual training, provide documentation of vaccination status, obtain specific health information from clients, obtain “informed consent” from clients, and obtain a Health Permit. Operations of facilities must be conducted in a safe and clean manner and records of training and equipment sterilization must be regularly maintained. Body art facilities are subject to annual inspections by County regulators to verify compliance with AB 300.

Because AB 300 clearly regulates the health and safety of body art businesses, it is referenced in both ordinances.

ANALYSIS / EVALUATION

To better understand how local cities are addressing this new allowed use, Staff researched eight (8) neighboring jurisdictions. The following table reflects the approval process required and zoning districts where tattoo and body piercing studios are allowed.

Tattoo and Body Piercing in Other South Bay Cities

City	Approval Method	Zoning Districts Allowed
Carson	CUP	Commercial-Residential Commercial-General Mixed-Use Carson St.
El Segundo	Not permitted yet	N/A
Hawthorne	CUP	M-1 and M-2 Industrial Zones
Hermosa Beach	Business license only	C-2 and C-3 zones
Inglewood	CUP	All commercial zones
Lawndale	CUP	Restricted Business Zone Neighborhood Business Zone Unlimited Commercial Zone Commercial Manufacturing

Manhattan Beach	CUP	Community Commercial General Commercial
Torrance	CUP	Commercial Zones Industrial Zones Manufacturing Zones

Staff considers tattoo and body piercing studios to be a potentially sensitive land use. This is a land use category shared with businesses such as bars, cocktail lounges, thrift shops, and liquor stores. Sensitive land uses have the potential for secondary impacts to the surrounding community. Therefore, several aspects of the businesses were carefully considered including the hours of operation, location of studios, and health and safety codes.

The following is a summary of the changes proposed:

1. Definitions are to be incorporated into Section 10-2.402 of the Zoning Ordinance and Section 10-5.402 of the Coastal Zoning Ordinance that specify body art, body art studios, body art employee, body piercing, and tattoo/tattooing.
2. "Body Art Studios" will be added as a new Use Classification requiring a Conditional Use Permit in Commercial zones. Sections amended will include 10-2.610, 10-2.620, 10-2.630, 10-2.640 of the Zoning Ordinance and 10-5.620, 10-5.630, 10-5.640, 10-5.710, and 10-5.810 of the Coastal Zoning Ordinance.
3. Section 10-2.1630 of the Zoning Ordinance and Section 10-5.1630 of the Coastal Zoning Ordinance are to include the following language:
 - a. Purpose. In order to ensure compliance with state and city requirements regarding health and safety, and maintain the compatibility of this particularly sensitive land use with surrounding land uses, the following criteria shall be met in addition to all other applicable land use and development standards in this chapter.
 - b. Criteria.
 - i. Body art studios shall not operate between the hours of 10:00 p.m. and 10:00 a.m.
 - ii. The operator of the body art studio shall be responsible for ensuring that all Body art employees have obtained all necessary training, certification and permits to perform Body art services.
 - iii. All requirements set forth in California Assembly Bill 300, the Safe Body Art Act are incorporated by reference in this Chapter and all operators of body art studios shall comply with all requirements included therein.

- iv. Live animals, except for service animals, shall not be allowed on the premises.
 - v. Temporary or mobile studios or events are not authorized.
 - vi. Under no circumstance shall alcohol be sold, consumed or purchased in any body art studio.
 - vii. The minimum separation between site boundaries of properties containing massage businesses shall be 1,000 feet, except that this standard may be waived by the decision making body upon a finding that the addition of the massage business will not contribute to or create a blighting influence in its vicinity.
- c. Conditional Use Permit Required
- i. No body art studio shall be established unless a Conditional Use Permit is obtained pursuant to Section 10-2.2506 and Section 10-5.2506.

Staff is recommending a minimum separation of 1,000 feet between body art studios, which approximately equates to one business per City block. This is consistent with Section 10-2.1600 of the Zoning Ordinance and Section 10-5.1600 of the Coastal Zoning Ordinance relating to businesses such as bars, cocktail lounges, thrift shops, and liquor stores. The purpose of this separation is to “prevent a blighting impact on the character of commercial zones, help insure the compatibility of these particularly sensitive land uses with surrounding land uses, and maintain a healthy and balanced mix of commercial uses.”

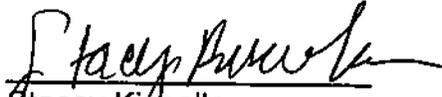
ENVIRONMENTAL STATUS

Staff has determined that the proposed amendments to the Zoning Ordinance and Coastal Zoning Ordinance are not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3) of Title 14 of the California Code of Regulations. The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and the activity is not a project as defined in Section 15378(a) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly. The Ordinances are, therefore, exempt from the environmental review requirements of the California Environmental Quality Act.

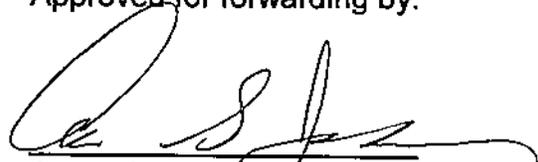
It is recommended that the Planning Commission recommend that the City Council approve the Exemption Declaration.

August 20, 2015

Submitted by:


Stacey Kirsella
Special Projects Planner

Approved for forwarding by:


Aaron Jones
Community Development Director

Attachments

- CEQA Exemption Declaration
- Resolution 2015-08-PC-009 (Non-Coastal)
- Resolution 2015-08-PC-010 (Coastal)
- Draft Ordinance for Non-Coastal Amendments
- Draft Ordinance for Coastal Amendments



CITY OF REDONDO BEACH

EXEMPTION DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

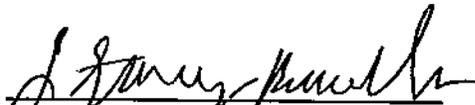
DATE: August 14, 2015

PROJECT ADDRESS: Citywide

PROPOSED PROJECT: Adoption of Planning Commission Resolutions Recommending that the City Council Adopt Ordinances Amending Chapter 2 Zoning and Land Use and Chapter 5 Coastal Land Use Implementing Ordinance of Title 10 Regulating Tattoo and Body Piercing Studios in Planning and Zoning of the Redondo Beach Municipal Code

In accordance with Chapter 3, Title 10, Section 10-3.301(a) of the Redondo Beach Municipal Code, the above-referenced project is Categorically Exempt from the preparation of environmental review documents pursuant to:

The proposed amendments to the Zoning Ordinance and Coastal Zoning Ordinance are not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3) of Title 14 of the California Code of Regulations stating the new use is not a project as defined in Section 15378(a) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly. The Ordinances are, therefore, exempt from the environmental review requirements of the California Environmental Quality Act.


Stacey Kinsella
Special Projects Planner

RESOLUTION NO. 2015-08-PCR-009

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH RECOMMENDING THAT THE CITY COUNCIL; (1) APPROVE EXEMPTION DECLARATION (2) AMEND SECTIONS 10-2.402, 10-2.610, 10-2.620, 10-2.630, 10-2.640, AND ADD SECTION 10-2.1630 TO AMEND THE ZONING ORDINANCE TO ALLOW BODY ART BUSINESSES, ESTABLISHING STANDARDS FOR APPROVING BODY ART BUSINESSES AND REQUIRING ALL SUCH BUSINESSES TO OBTAIN A CONDITIONAL USE PERMIT

WHEREAS, the Planning Commission of the City of Redondo Beach held a public hearing on August 20th, 2015, at which time all interested parties were given an opportunity to be heard and to present evidence; and

WHEREAS, notice of the time and place of the public hearing was published according to law in the Easy Reader, a newspaper of general circulation in the City.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY FIND:

1. In compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, and State and local guidelines adopted pursuant thereto, the City of Redondo Beach prepared an Exemption Declaration as the proposed amendments to the Zoning Ordinance and Coastal Zoning Ordinance are not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3) of Title 14 of the California Code of Regulations.
2. The amendments to the Zoning Ordinance are consistent with the General Plan.
3. The proposed amendments will not have a significant effect on the environment and will have no impact on Fish and Game resources pursuant to Section 21089(b) of the Public Resources Code.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission recommends that the City Council concur in the above findings and find that the Ordinance is exempt from the environmental review requirements of the California Environmental Quality Act.

SECTION 2. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10, Chapter 2, Article 1, Section 10-2.402 of the Redondo Beach Municipal Code to incorporate the following definitions and to renumber such section as necessary to allow for these insertions:

“Body art” shall mean to adorn the body through the permanent application of a tattoo or insertion of an object, such as jewelry, into a hole for display purposes. Body art is the collective term for any single activity or combination of activities defined herein as tattooing or body piercing.

“Body art studio” shall mean any permanent premises, business, location, or facility, used or operated in whole or in part as a body piercing or tattoo shop.

“Body art employee” shall mean any person performing body art in any Body art studio in the City.

“Body piercing” shall mean to puncture, perforate, or penetrate a human body part or tissue with an object, appliance, or instrument for the purpose of placing a foreign object in the perforation to prevent the perforation from closing. This includes, but is not limited to, creating such an opening in the lip, tongue, nose, eyebrow or navel for the purpose of inserting jewelry or other decorations. Body piercing does not include piercing of the ear lobe or outer portion of the ear. Body piercing includes the removal of body piercing jewelry, except when removal is performed by a physician or other professional licensed by the State of California Medical Board as part of a medical practice.

“Tattoo/tattooing” shall mean to insert pigment, ink or dye under the surface of the skin of a person by pricking with a needle or otherwise, to permanently change the color or appearance of the skin or to produce an indelible mark or figure visible through the skin. Tattooing does not include application of permanent make-up that is performed as an incidental service in a beauty shop, day spa, or other service or retail establishment. Tattooing includes the removal of tattoos, except when removal is performed by a physician or other professional licensed by the State of California Medical Board as part of a medical practice.

SECTION 3. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10, Chapter 2, Article 2, Section 10-2.610 of the Redondo Beach Municipal Code to read as follows:

10-2.610 Land use regulations: C-1 commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-2.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-1	Additional Regulations See Section:
Commercial Uses		
Animal sales and services:		
Animal feed and supplies	P	
Animal grooming	C	
Animal sales	C	
Artist's studios	P	
Banks and savings and loans with drive-up service	P C	
Bars and cocktail lounges	C	10-2.1600
Body art studios	C	10-2.1630
Commercial printing	C	
Commercial printing, limited	P	
Drive-up services	C	
Food and beverage sales	P	
Liquor stores	C	10-2.1600
Maintenance and repair services	P	
Offices	P	
Personal convenience services	P	
Personal improvement services	C	
Plant nurseries	C	
Recycling collection facilities:		10-2.1616
Reverse vending machines	P	
Small collection facilities	C	
Restaurants:		
2,000 sq. ft. or less floor area with no drive-up service	P	

Use Classifications	C-1	Additional Regulations See Section:
more than 2,000 sq. ft. floor area or with drive-up service	C	
Retail sales	P	
Snack shops	P	
Vehicle sales and services:		
Service stations	C	10-2.1602
Motor vehicle repair garages	C	10-2.611; 10-2.1604
Other Uses		
Adult day care centers	C	
Antennae for public communications	C	
Child day care centers	C	
Churches	C	
Clubs and lodges	C	
Cultural institutions	C	
Government offices	P	
Parking lots	C	
Public safety facilities	C	
Public utility facilities	C	10-2.1614
Recreation facilities	C	
Schools, public or private	C	

SECTION 4. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10, Chapter 2, Article 2, Section 10-2.620 of the Redondo Beach Municipal Code to read as follows:

10-2.620 Land use regulations: C-2, C-2A, and C-2B commercial zones, and C-2-PD pedestrian-oriented commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-2.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	C	C	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	
Animal hospitals	C	C	C	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	P C	
Bars and cocktail lounges	C	C	C	C	10-2.1600
Body art studios	C	C	C	C	10-2.1630
Building material sales	C	C	C	---	
Business and trade schools	C	C	C	C	
Check-cashing businesses	C	C	C	C	10-2.1600
Commercial printing	P	P	P	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-2.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	
Fire arm sales	C	C	C	C	10-2.1600

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Food and beverage sales: 30,000 sq. ft. or less floor area more than 30,000 sq. ft. floor area	P P	P P	P P	P C	10-2.621
Hotels and motels	C	C	C	C	
Laboratories	C	C	C	---	
Liquor stores	C	C	C	C	10-2.1600
Maintenance and repair services	P	P	P	P	
Mortuaries	C	C	C	---	
Offices	P	P	P	P	10-2.621
Personal convenience services	P	P	P	P	
Personal improvement services	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities: Reverse vending machines Small collection facilities	P C	P C	P C	P C	10-2.1616
Restaurants: 2,000 sq. ft. or less floor area with no drive-up service more than 2,000 sq. ft. floor area or with drive-up service	P C	P C	P C	P C	
Retail sales: 30,000 sq. ft. or less floor area more than 30,000 sq. ft. floor area	P P	P P	P P	P C	10-2.621
Snack shops	P	P	P	P	
Thrift shops	C	C	C	C	10-2.1600
Vehicle sales and services:					

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Sales, leasing, and rentals	C	---	C	---	10-2.1602 10-2.1604
Automobile washing	C	---	C	---	
Service stations	C	---	---	---	
Motor vehicle repair garages	C	---	C	---	
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-2.621
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-2.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-2.1624

SECTION 5. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10, Chapter 2, Article 2, Section 10-2.630 of the Redondo Beach Municipal Code to read as follows:

10-2.630 Land use regulations: C-3, C-3A, and C-3B commercial zones, and C-3-PD pedestrian-oriented commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-2.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	---	---	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	
Animal hospitals	C	---	---	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	P C	
Bars and cocktail lounges	C	C	C	C	10-2.1600
Body art studios	C	C	C	C	10-2.1630
Building material sales	C	---	---	---	
Business and trade schools	C	C	C	C	
Check-cashing businesses	C	C	C	C	10-2.1600
Commercial printing	P	---	---	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-2.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Fire arm sales	C	C	C	C	10-2.1600
Food and beverage sales: 30,000 sq. ft. or less floor area	P	P	P	P	10-2.631
more than 30,000 sq. ft. floor area	P	P	C	C	
Hotels and motels	C	C	C	C	
Laboratories	C	---	---	---	
Liquor stores	C	C	C	C	
Maintenance and repair services	P	P	P	P	
Mortuaries	C	---	---	---	
Offices	P	P	P	P	10-2.631
Personal convenience services	P	P	P	P	
Personal improvement services	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities: Reverse vending machines	P	P	P	P	10-2.1616
Small collection facilities	C	C	C	C	
Restaurants: 2,000 sq. ft. or less floor area with no drive-up service	P	P	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	C	
Retail sales: 30,000 sq. ft. or less floor area	P	P	P	P	10-2.631
more than 30,000 sq. ft. floor area	P	C	C	C	
Snack shops	P	P	P	P	
Thrift shops	C	C	C	C	10-2.1600

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Vehicle sales and services:					
Sales, leasing, and rentals	C	---	---	---	
Automobile washing	C	---	---	---	
Service stations	C	---	---	---	10-2.1602
Motor vehicle repair garages	C	---	---	---	10-2.1604
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-2.631
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-2.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-2.1624

SECTION 6. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10, Chapter 2, Article 2, Section 10-2.640 of the Redondo Beach Municipal Code to read as follows:

10-2.640 Land use regulations: C-4 and C-4A commercial zones, and C-4B and C-4-PD pedestrian-oriented commercial zones.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-2.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-4	C-4A	C-4B	C-4-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	C	---	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	
Animal hospitals	C	C	---	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	P C	
Bars and cocktail lounges	C	C	C	C	10-2.1600
Body art studios	C	C	C	C	10-2.1630
Building material sales	C	C	---	---	
Business and trade schools	C	C	C	C	
Check-cashing businesses	C	C	C	C	10-2.1600
Commercial printing	P	P	---	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-2.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	

Use Classifications	C-4	C-4A	C-4B	C-4-PD	Additional Regulations See Section:
Fire arm sales	C	C	C	C	10-2.1600
Food and beverage sales: 30,000 sq. ft. or less floor area	P	P	P	P	10-2.641
more than 30,000 sq. ft. floor area	P	P	C	C	
Hotels and motels	C	C	C	C	
Laboratories	C	C	---	---	
Liquor stores	C	C	C	C	
Maintenance and repair services	P	P	P	P	
Mortuaries	C	C	---	---	
Offices	P	P	P	P	10-2.641
Personal convenience services	P	P	P	P	
Personal improvement services	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities:					10-2.1616
Reverse vending machines	P	P	P	P	
Small collection facilities	C	C	C	C	
Restaurants:					
2,000 sq. ft. or less floor area with no drive-up service	P	P	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	C	
Retail sales:					
30,000 sq. ft. or less floor area	P	P	P	P	10-2.641
more than 30,000 sq. ft. floor area	P	P	C	C	
Snack shops	P	P	P	P	
Thrift shops	C	C	C	C	10-2.1600

Use Classifications	C-4	C-4A	C-4B	C-4-PD	Additional Regulations See Section:
Vehicle sales and services:					
Sales, leasing, and rentals	C	C	---	---	
Automobile washing	C	C	---	---	
Service stations	C	C	---	---	10-2.1602
Motor vehicle repair garages	C	C	---	---	10-2.1604
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-2.641
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-2.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-2.1624

SECTION 7. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10, Chapter 2, Article 4 of the Redondo Beach Municipal Code to add Section 10-2.1630 to read as follows:

10-2.1630

Body art studios.

(a) **Purpose.** In order to ensure compliance with state and city requirements

regarding health and safety, and maintain the compatibility of this particularly sensitive land use with surrounding land uses, the following criteria shall be met in addition to all other applicable land use and development standards in this chapter.

(b) **Criteria.**

(1) Body art studios shall not operate between the hours of 10:00 p.m. and 10:00 a.m.

(2) The operator of the body art studio shall be responsible for ensuring that all Body art employees have obtained all necessary training, certification and permits to perform Body art services.

(3) All requirements set forth in California Assembly Bill 300, the Safe Body Art Act are incorporated by reference in this Chapter and all operators of body art studios shall comply with all requirements included therein.

(4) Live animals, except for service animals, shall not be allowed on the premises.

(5) Temporary or mobile studios or events are not authorized.

(6) Under no circumstance shall alcohol be sold, consumed or purchased in any body art studio.

(7) The minimum separation between site boundaries of properties containing massage businesses shall be 1,000 feet, except that this standard may be waived by the decision making body upon a finding that the addition of the massage business will not contribute to or create a blighting influence in its vicinity.

(c) **Conditional Use Permit required.** No body art studio shall be established unless a conditional use permit is obtained pursuant to Section 10-2.2506.

FINALLY RESOLVED, that the Planning Commission forward a copy of this resolution to the City Council so the Council will be informed of the action of the Planning Commission.

PASSED, APPROVED, AND ADOPTED this 20th day of August, 2015.

Nicholas Biro, Chair
Planning Commission
City of Redondo Beach

ATTEST:

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

I, Aaron Jones, Community Development Director of the City of Redondo Beach, California, do hereby certify that the foregoing Resolution No. 2015-08-PCR-009 was duly passed, approved and adopted by the Planning Commission of the City of Redondo Beach, California, at a regular meeting of said Planning Commission held on the 20th day of August, 2015, by the following vote:

AYES:

NOES:

ABSENT:

Aaron Jones
Community Development Director

APPROVED AS TO FORM:

City Attorney's Office

RESOLUTION NO. 2015-08-PCR-010

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH RECOMMENDING THAT THE CITY COUNCIL; (1) APPROVE AN EXEMPTION DECLARATION (2) AMEND SECTIONS 10-5.402, 10-5.620, 10-5.630, 10-5.640, 10-5.710, 10-5.810 AND ADD SECTION 10-5.1630 TO AMEND THE COASTAL ZONING ORDINANCE TO ALLOW BODY ART BUSINESSES, ESTABLISHING STANDARDS FOR APPROVING BODY ART BUSINESSES AND REQUIRING ALL SUCH BUSINESSES TO OBTAIN A CONDITIONAL USE PERMIT

WHEREAS, the Planning Commission of the City of Redondo Beach held a public hearing on August 20th, 2015, at which time all interested parties were given an opportunity to be heard and to present evidence; and

WHEREAS, notice of the time and place of the public hearing was published according to law in the Easy Reader, a newspaper of general circulation in the City.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY FIND:

1. In compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, and State and local guidelines adopted pursuant thereto, the City of Redondo Beach prepared an Exemption Declaration as the proposed amendments to the Zoning Ordinance and Coastal Zoning Ordinance are not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3) of Title 14 of the California Code of Regulations.
2. The amendments to the Zoning Ordinance are consistent with the General Plan.
3. The proposed amendments will not have a significant effect on the environment and will have no impact on Fish and Game resources pursuant to Section 21089(b) of the Public Resources Code.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission recommends that the City Council concur in the above findings and find that the Ordinance is exempt from the environmental review requirements of the California Environmental Quality Act.

SECTION 2. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10, Chapter 5, Article 1, Section 10-5.402 of the Redondo Beach Municipal Code to incorporate the following definitions and to renumber such section as necessary to allow for these insertions:

“Body art” shall mean to adorn the body through the permanent application of a tattoo or insertion of an object, such as jewelry, into a hole for display purposes. Body art is the collective term for any single activity or combination of activities defined herein as tattooing or body piercing.

“Body art studio” shall mean any permanent premises, business, location, or facility, used or operated in whole or in part as a body piercing or tattoo shop.

“Body art employee” shall mean any person performing body art in any Body art studio in the City.

“Body piercing” shall mean to puncture, perforate, or penetrate a human body part or tissue with an object, appliance, or instrument for the purpose of placing a foreign object in the perforation to prevent the perforation from closing. This includes, but is not limited to, creating such an opening in the lip, tongue, nose, eyebrow or navel for the purpose of inserting jewelry or other decorations. Body piercing does not include piercing of the ear lobe or outer portion of the ear. Body piercing includes the removal of body piercing jewelry, except when removal is performed by a physician or other professional licensed by the State of California Medical Board as part of a medical practice.

“Tattoo/tattooing” shall mean to insert pigment, ink or dye under the surface of the skin of a person by pricking with a needle or otherwise, to permanently change the color or appearance of the skin or to produce an indelible mark or figure visible through the skin. Tattooing does not include application of permanent make-up that is performed as an incidental service in a beauty shop, day spa, or other service or retail establishment. Tattooing includes the removal of tattoos, except when removal is performed by a physician or other professional licensed by the State of California Medical Board as part of a medical practice.

SECTION 3. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10, Chapter 5, Section 10-5.620 of the Redondo Beach Municipal Code to read as follows:

10-5.620 Land use regulations: C-2, C-2A, and C-2B commercial zones, and C-2-PD pedestrian-oriented commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	C	C	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	
Animal hospitals	C	C	C	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	P C	
Bars and cocktail lounges	C	C	C	C	10-5.1600
Body art studios	C	C	C	C	10-5.1630
Building material sales	C	C	C	---	
Business and trade schools	C	C	C	C	
Check-cashing businesses	C	C	C	C	10-5.1600
Commercial printing	P	P	P	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-5.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	
Fire arm sales	C	C	C	C	10-5.1600
Food and beverage sales:					
30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	P	P	C	10-5.621
Hotels and motels	C	C	C	C	

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Laboratories	C	C	C	---	
Liquor stores	C	C	C	C	10-5.1600
Maintenance and repair services	P	P	P	P	
Mortuaries	C	C	C	---	
Offices	P	P	P	P	10-5.621
Personal convenience services	P	P	P	P	
Personal improvement services	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities:					10-5.1616
Reverse vending machines	P	P	P	P	
Small collection facilities	C	C	C	C	
Restaurants:					
2,000 sq. ft. or less floor area with no drive-up service	P	P	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	C	
Retail sales:					
30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	P	P	C	10-5.621
Snack shops	P	P	P	P	
Thrift shops	C	C	C	C	10-5.1600
Vehicle sales and services:					
Sales, leasing, and rentals	C	---	C	---	
Automobile washing	C	---	C	---	
Service stations	C	---	---	---	10-5.1602
Motor vehicle repair garages	C	---	C	---	10-5.1604

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-5.621
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-5.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-5.1624

SECTION 4. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10, Chapter 5, Article 2, Section 10-5.630 of the Redondo Beach Municipal Code to read as follows:

10-5.630 Land use regulations: C-3, C-3A, and C-3B commercial zones, and C-3-PD pedestrian-oriented commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	---	---	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	
Animal hospitals	C	---	---	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	P C	
Bars and cocktail lounges	C	C	C	C	10-5.1600
Body art studios	C	C	C	C	10-5.1630
Building material sales	C	---	---	---	
Business and trade schools	C	C	C	C	
Check-cashing businesses	C	C	C	C	10-5.1600
Commercial printing	P	---	---	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-5.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	
Fire arm sales	C	C	C	C	10-5.1600
Food and beverage sales:					
30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	P	C	C	10-5.631
Hotels and motels	C	C	C	C	

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Laboratories	C	---	---	---	
Liquor stores	C	C	C	C	
Maintenance and repair services	P	P	P	P	
Mortuaries	C	---	---	---	
Offices	P	P	P	P	10-5.631
Personal convenience services	P	P	P	P	
Personal improvement services	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities:					10-5.1616
Reverse vending machines	P	P	P	P	
Small collection facilities	C	C	C	C	
Restaurants:					
2,000 sq. ft. or less floor area with no drive-up service	P	P	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	C	
Retail sales:					
30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	C	C	C	10-5.631
Snack shops	P	P	P	P	
Thrift shops	C	C	C	C	10-5.1600
Vehicle sales and services:					
Sales, leasing, and rentals	C	---	---	---	
Automobile washing	C	---	---	---	
Service stations	C	---	---	---	10-5.1602

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-5.631
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-5.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-5.1624

SECTION 5. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10, Chapter 5, Article 2, Section 10-5.640 of the Redondo Beach Municipal Code to read as follows:

10-5.640 Land use regulations: C-4 and C-4A commercial zones, and C-4B and C-4-PD pedestrian-oriented commercial zones.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-4	C-4-PD	Additional Regulations See Section:
Commercial Uses			
Ambulance services	C	---	
Animal sales and services:			
Animal feed and supplies	P	P	
Animal grooming	C	C	
Animal hospitals	C	---	
Animal sales	C	C	
Artist's studios	P	P	
Banks and savings and loans with drive-up service	P C	P C	
Bars and cocktail lounges	C	C	10-5.1600
Body art studios	C	C	10-5.1630
Building material sales	C	---	
Business and trade schools	C	C	
Check-cashing businesses	C	C	10-5.1600
Commercial printing	P	---	
Commercial printing, limited	P	P	
Commercial recreation	C	C	10-5.1600
Communications facilities	C	C	
Drive-up services	C	C	
Fire arm sales	C	C	10-5.1600
Food and beverage sales:			
30,000 sq. ft. or less floor area	P	P	
more than 30,000 sq. ft. floor area	P	C	10-5.641
Hotels and motels	C	C	

Use Classifications	C-4	C-4-PD	Additional Regulations See Section:
Laboratories	C	---	
Liquor stores	C	C	
Maintenance and repair services	P	P	
Mortuaries	C	---	
Offices	P	P	10-5.641
Personal convenience services	P	P	
Personal improvement services	C	C	
Plant nurseries	C	C	
Recycling collection facilities:			10-5.1616
Reverse vending machines	P	P	
Small collection facilities	C	C	
Restaurants:			
2,000 sq. ft. or less floor area with no drive-up service	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	
Retail sales:			
30,000 sq. ft. or less floor area	P	P	
more than 30,000 sq. ft. floor area	P	C	10-5.641
Snack shops	P	P	
Thrift shops	C	C	10-5.1600
Vehicle sales and services:			
Sales, leasing, and rentals	C	---	
Automobile washing	C	---	
Service stations	C	---	10-5.1602
Motor vehicle repair garages	C	---	10-5.1604

Use Classifications	C-4	C-4-PD	Additional Regulations See Section:
Other Uses			
Adult day care centers	C	C	
Antennae for public communications	C	C	
Child day care centers	C	C	
Churches	C	C	
Clubs and lodges	C	C	
Cultural institutions	C	C	
Government offices	P	P	10-5.641
Parking lots	C	C	
Public safety facilities	C	C	
Public utility facilities	C	C	10-5.1614
Recreation facilities	C	C	
Schools, public or private	C	C	
Senior housing	C	C	10-5.1624

SECTION 6. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10, Chapter 5, Article 2, Section 10-5.710 of the Redondo Beach Municipal Code to read as follows:

10-5.710 Land use regulations: C-5A commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-5A	Additional Regulations See Section:
Parks, Recreation and Open Space	P	
Commercial Uses		
Ambulance services	C	
Animal sales and services:		
Animal feed and supplies	P	
Animal grooming	C	
Animal hospitals	C	
Animal sales	C	
Artist's studios	P	
Banks and savings and loans with drive-up service	P C	
Bars and cocktail lounges	C	10-5.1600
Body art studios	C	10-5.1630
Building material sales	C	
Business and trade schools	C	
Check-cashing businesses	C	10-5.1600
Commercial printing	P	
Commercial printing, limited	P	
Commercial recreation	C	10-5.1600
Communications facilities	C	
Drive-up services	C	
Fire arm sales	C	10-5.1600
Food and beverage sales	P	
Hotels and motels	C	
Laboratories	C	

Use Classifications	C-5A	Additional Regulations See Section:
Liquor stores	C	
Maintenance and repair services	P	
Marine sales and services	C	
Mortuaries	C	
Offices	P	
Personal convenience services	P	
Personal improvement services	C	
Plant nurseries	C	
Recycling collection facilities: Reverse vending machines Small collection facilities	P C	10-5.1616
Restaurants: 2,000 sq. ft. or less floor area with no drive-up service more than 2,000 sq. ft. floor area or with drive-up service	P C	
Retail sales	P	
Snack shops	P	
Thrift shops	C	10-5.1600
Vehicle sales and services: Sales, leasing, and rentals Automobile washing Service stations Motor vehicle repair garages	C C C C	10-5.1602 10-5.711 10-5.1604

Use Classifications	C-5A	Additional Regulations See Section:
Industrial Uses		10-5.711
Manufacturing and fabrication: Custom manufacturing Electronics manufacturing Fabricating products from finished rubber Garment manufacturing Instrument manufacturing Office and related machinery Plastics fabrication Shoe manufacturing Sign manufacturing Textile manufacturing	 C C C C C C C C C C	 10-5.711
Laboratories	C	10-5.711
Professional offices	P	10-5.711
Computer and data processing facilities	P	
Coastal-related uses: Ships chandlers Sail manufacturing Boat fittings Marine research and labs Boat building	 C C C C C	 10-5.711

Use Classifications	C-5A	Additional Regulations See Section:
Construction-related uses: Building material storage yards Contractor's plants, offices, and storage yards Equipment leasing and rentals Lumber yards Stone monument works Woodworking	C C C C C C	10-5.711
Wholesaling/distribution/storage	C	10-5.711
Mini-warehousing and self-storage	C	10-5.711
Motor vehicle-related uses: Motor vehicle body and fender shops Motor vehicle repair garages Motor vehicle towing and storage	C C C	10-5.711 10-5.1606 10-5.1604
Recycling facilities: Large collection facilities Light processing facilities	C C	10-5.1616 10-5.711 10-5.711

Use Classifications	C-5A	Additional Regulations See Section:
Cultural institutions	C	
Government offices	P	
Parking lots	C	
Public safety facilities	C	
Public utility facilities	C	10-5.1614
Recreation facilities	C	
Schools, public or private	C	

SECTION 7. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10, Chapter 5, Article 2, Section 10-5.810 of the Redondo Beach Municipal Code to read as follows:

10-5.810 Land use regulations: CC coastal commercial zones.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	CC-1	CC-2	CC-3	CC-4	CC-5	Additional Regulations See Section:
Commercial Uses						
Banks (no drive-up service)	C	C	C	C	P	10-5.811
Bars and nightclubs	C	C	C	C	C	10-5.811; 10-5.1600
Body art studios	C	C	C	C	C	10-5.811; 10-5.1630
Commercial recreation	C	C	C	C	C	10-5.811; 10-5.1600
Food and beverage sales	C	C	C	C	C	10-5.811

Use Classifications	CC-1	CC-2	CC-3	CC-4	CC-5	Additional Regulations See Section:
Hotels (including limited use overnight visitor accommodations)	C	C	C	C	C	10-5.811
Marinas	C	---	C	C	---	10-5.811
Marina-related facilities:						10-5.811
Boating facilities	C	---	C	C	C	
Marines sales and services	C	C	C	C	C	
Yacht and boating clubs	---	---	C	C	C	
Offices	C	C	C	C	P	10-5.811
Personal convenience services	C	C	C	C	P	10-5.811
Personal improvement services	---	C	C	C	C	10-5.811
Restaurants	C	C	C	C	C	10-5.811
Recreational equipment rentals	---	C	C	C	---	10-5.811
Retail sales (any tenant space not exceeding 5,000 sq. ft. floor area)	P	P	P	P	P	10-5.811
Retail sales (any tenant space exceeding 5,000 sq. ft. floor area)	C	C	C	C	C	10-5.811
Snack shops	P	P	P	P	P	10-5.811
Other Uses						
Adult day care centers	---	C	C	C	C	10-5.811
Antennae for public communications	C	C	C	C	C	10-5.811
Child day care centers	---	C	C	C	C	10-5.811
Cultural institutions	C	C	C	C	C	10-5.811
Government offices	C	C	---	---	P	10-5.811
Parks, recreation and open space	P	P	P	P	P	10-5.811
Parking lots	---	C	C	C	C	10-5.811

Use Classifications	CC-1	CC-2	CC-3	CC-4	CC-5	Additional Regulations See Section:
Public safety facilities	C	C	C	C	C	10-5.811
Public utility facilities	C	C	C	C	C	10-5.1614
Recreation facilities	C	C	C	C	C	10-5.811
Schools, public or private	---	C	C	C	C	10-5.811

SECTION 8. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10, Chapter 5, Article 4, of the Redondo Beach Municipal Code to add Section 10-5.1630 to read as follows:

10-5.1630 Body art studios.

(a) **Purpose.** In order to ensure compliance with state and city requirements regarding health and safety, and maintain the compatibility of this particularly sensitive land use with surrounding land uses, the following criteria shall be met in addition to all other applicable land use and development standards in this chapter.

(b) **Criteria.**

(1) Body art studios shall not operate between the hours of 10:00 p.m. and 10:00 a.m.

(2) The operator of the body art studio shall be responsible for ensuring that all Body art employees have obtained all necessary training, certification and permits to perform Body art services.

(3) All requirements set forth in California Assembly Bill 300, the Safe Body Art Act are incorporated by reference in this Chapter and all operators of body art studios shall comply with all requirements included therein.

(4) Live animals, except for service animals, shall not be allowed on the premises.

(5) Temporary or mobile studios or events are not authorized.

(6) Under no circumstance shall alcohol be sold, consumed or purchased in any body art studio.

(7) The minimum separation between site boundaries of properties containing massage businesses shall be 1,000 feet, except that this standard may

be waived by the decision making body upon a finding that the addition of the massage business will not contribute to or create a blighting influence in its vicinity.

(c) **Conditional Use Permit required.** No body art studio shall be established unless a conditional use permit is obtained pursuant to Section 10-5.2506.

FINALLY RESOLVED, that the Planning Commission forward a copy of this resolution to the City Council so the Council will be informed of the action of the Planning Commission.

PASSED, APPROVED, AND ADOPTED this 20th day of August, 2015.

Nicholas Biro, Chair
Planning Commission
City of Redondo Beach

ATTEST:

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

I, Aaron Jones, Community Development Director of the City of Redondo Beach, California, do hereby certify that the foregoing Resolution No. 2015-08-PCR-010 was duly passed, approved and adopted by the Planning Commission of the City of Redondo Beach, California, at a regular meeting of said Planning Commission held on the 20th day of August, 2015, by the following vote:

AYES:

NOES:

ABSENT:

Aaron Jones
Community Development Director

APPROVED AS TO FORM:

City Attorney's Office

ORDINANCE NO. **-15**

AN ORDINANCE OF THE CITY COUNCIL OF REDONDO BEACH, CALIFORNIA, APPROVING A ZONING TEXT AMENDMENT TO SECTION 10-2.1630 OF THE ZONING ORDINANCE TO ADD REGULATIONS PERTAINING TO TATTOO AND BODY PIERCING STUDIOS AND MODIFY RELATED MUNICIPAL CODE SECTIONS FOR CONSISTENCY

WHEREAS, the Zoning Ordinance does not list tattoo and body piercing shops as permitted or conditionally permitted uses and therefore prohibits these uses from operating in the city; and

WHEREAS, pursuant to the U.S. 9th Circuit Court of Appeals decision in *Johnny Anderson v. City of Hermosa Beach*, California cities must permit body art businesses to operate; and

WHEREAS, the *Anderson* decision allows cities to enact reasonable time, place and manner restrictions on the operation of these businesses; and

WHEREAS, the proposed regulations include acceptable times for body art studios to operate as well as spacing between the establishment of such body art studios; and

WHEREAS, body art businesses shall be added as a special use subject to the grant of a conditional use permit in addition to other particular requirements meant to mitigate potential secondary impacts of body art businesses in the City.

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

SECTION 1. FINDINGS.

- A. The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment. The Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3) of Title 14 of the California Code of Regulations.
- B. The amendments to the Zoning Ordinance are consistent with the General Plan.
- C. The proposed amendments will not have a significant effect on the environment and will have no impact on Fish and Game resources pursuant to Section 21089(b) of the Public Resources Code.

D. These amendments do not require a vote of the people under Article XXVII of the City Charter.

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. AMENDMENT OF CODE. The following definitions are hereby added to Title 10, Chapter 2, Article 1, Section 10-2.402 of the Redondo Beach Municipal Code and such section is hereby renumbered as necessary to allow for these insertions:

“Body art” shall mean to adorn the body through the permanent application of a tattoo or insertion of an object, such as jewelry, into a hole for display purposes. Body art is the collective term for any single activity or combination of activities defined herein as tattooing or body piercing.

“Body art studio” shall mean any permanent premises, business, location, or facility, used or operated in whole or in part as a body piercing or tattoo shop.

“Body art employee” shall mean any person performing body art in any Body art studio in the City.

“Body piercing” shall mean to puncture, perforate, or penetrate a human body part or tissue with an object, appliance, or instrument for the purpose of placing a foreign object in the perforation to prevent the perforation from closing. This includes, but is not limited to, creating such an opening in the lip, tongue, nose, eyebrow or navel for the purpose of inserting jewelry or other decorations. Body piercing does not include piercing of the ear lobe or outer portion of the ear. Body piercing includes the removal of body piercing jewelry, except when removal is performed by a physician or other professional licensed by the State of California Medical Board as part of a medical practice.

“Tattoo/tattooing” shall mean to insert pigment, ink or dye under the surface of the skin of a person by pricking with a needle or otherwise, to permanently change the color or appearance of the skin or to produce an indelible mark or figure visible through the skin. Tattooing does not include application of permanent make-up that is performed as an incidental service in a beauty shop, day spa, or other service or retail establishment. Tattooing includes the removal of tattoos, except when removal is performed by a physician or other professional licensed by the State of California Medical Board as part of a medical practice.

SECTION 4. AMENDMENT OF CODE. Title 10, Chapter 2, Article 2, Section 10-2.610 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-2.610 Land use regulations: C-1 commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-2.2506. Where there is

neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-1	Additional Regulations See Section:
Commercial Uses		
Animal sales and services:		
Animal feed and supplies	P	
Animal grooming	C	
Animal sales	C	
Artist's studios	P	
Banks and savings and loans with drive-up service	P C	
Bars and cocktail lounges	C	10-2.1600
Body art studios	C	10-2.1630
Commercial printing	C	
Commercial printing, limited	P	
Drive-up services	C	
Food and beverage sales	P	
Liquor stores	C	10-2.1600
Maintenance and repair services	P	
Offices	P	
Personal convenience services	P	
Personal improvement services	C	
Plant nurseries	C	
Recycling collection facilities:		10-2.1616
Reverse vending machines	P	
Small collection facilities	C	

Use Classifications	C-1	Additional Regulations See Section:
Restaurants: 2,000 sq. ft. or less floor area with no drive-up service more than 2,000 sq. ft. floor area or with drive-up service	P C	
Retail sales	P	
Snack shops	P	
Vehicle sales and services: Service stations Motor vehicle repair garages	C C	10-2.1602 10-2.611; 10-2.1604
Other Uses		
Adult day care centers	C	
Antennae for public communications	C	
Child day care centers	C	
Churches	C	
Clubs and lodges	C	
Cultural institutions	C	
Government offices	P	
Parking lots	C	
Public safety facilities	C	
Public utility facilities	C	10-2.1614
Recreation facilities	C	
Schools, public or private	C	

SECTION 5. AMENDMENT OF CODE. Title 10, Chapter 2, Article 2, Section 10-2.620 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-2.620 Land use regulations: C-2, C-2A, and C-2B commercial zones, and C-2-PD pedestrian-oriented commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-2.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	C	C	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	
Animal hospitals	C	C	C	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	P C	
Bars and cocktail lounges	C	C	C	C	10-2.1600
Body art studios	C	C	C	C	10-2.1630
Building material sales	C	C	C	---	
Business and trade schools	C	C	C	C	
Check-cashing businesses	C	C	C	C	10-2.1600
Commercial printing	P	P	P	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-2.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Fire arm sales	C	C	C	C	10-2.1600
Food and beverage sales: 30,000 sq. ft. or less floor area	P	P	P	P	10-2.621
more than 30,000 sq. ft. floor area	P	P	P	C	
Hotels and motels	C	C	C	C	
Laboratories	C	C	C	---	
Liquor stores	C	C	C	C	10-2.1600
Maintenance and repair services	P	P	P	P	
Mortuaries	C	C	C	---	
Offices	P	P	P	P	10-2.621
Personal convenience services	P	P	P	P	
Personal improvement services	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities:					10-2.1616
Reverse vending machines	P	P	P	P	
Small collection facilities	C	C	C	C	
Restaurants:					
2,000 sq. ft. or less floor area with no drive-up service	P	P	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	C	
Retail sales:					
30,000 sq. ft. or less floor area	P	P	P	P	10-2.621
more than 30,000 sq. ft. floor area	P	P	P	C	
Snack shops	P	P	P	P	
Thrift shops	C	C	C	C	10-2.1600

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Vehicle sales and services:					
Sales, leasing, and rentals	C	---	C	---	
Automobile washing	C	---	C	---	
Service stations	C	---	---	---	10-2.1602
Motor vehicle repair garages	C	---	C	---	10-2.1604
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-2.621
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-2.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-2.1624

SECTION 6. AMENDMENT OF CODE. Title 10, Chapter 2, Article 2, Section 10-2.630 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-2.630 Land use regulations: C-3, C-3A, and C-3B commercial zones, and C-3-PD pedestrian-oriented commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-2.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	---	---	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	
Animal hospitals	C	---	---	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	P C	
Bars and cocktail lounges	C	C	C	C	10-2.1600
Body art studios	C	C	C	C	10-2.1630
Building material sales	C	---	---	---	
Business and trade schools	C	C	C	C	
Check-cashing businesses	C	C	C	C	10-2.1600
Commercial printing	P	---	---	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-2.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	
Fire arm sales	C	C	C	C	10-2.1600

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Food and beverage sales: 30,000 sq. ft. or less floor area more than 30,000 sq. ft. floor area	P P	P P	P C	P C	10-2.631
Hotels and motels	C	C	C	C	
Laboratories	C	---	---	---	
Liquor stores	C	C	C	C	
Maintenance and repair services	P	P	P	P	
Mortuaries	C	---	---	---	
Offices	P	P	P	P	10-2.631
Personal convenience services	P	P	P	P	
Personal improvement services	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities: Reverse vending machines Small collection facilities	P C	P C	P C	P C	10-2.1616
Restaurants: 2,000 sq. ft. or less floor area with no drive-up service more than 2,000 sq. ft. floor area or with drive-up service	P C	P C	P C	P C	
Retail sales: 30,000 sq. ft. or less floor area more than 30,000 sq. ft. floor area	P P	P C	P C	P C	10-2.631
Snack shops	P	P	P	P	
Thrift shops	C	C	C	C	10-2.1600
Vehicle sales and services:					

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Sales, leasing, and rentals	C	---	---	---	10-2.1602 10-2.1604
Automobile washing	C	---	---	---	
Service stations	C	---	---	---	
Motor vehicle repair garages	C	---	---	---	
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-2.631
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-2.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-2.1624

SECTION 7. AMENDMENT OF CODE. Title 10, Chapter 2, Article 2, Section 10-2.640 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-2.640 Land use regulations: C-4 and C-4A commercial zones, and C-4B and C-4-PD pedestrian-oriented commercial zones.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-2.2506. Where there is

neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-4	C-4A	C-4B	C-4-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	C	---	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	
Animal hospitals	C	C	---	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	P C	
Bars and cocktail lounges	C	C	C	C	10-2.1600
Body art studios	C	C	C	C	10-2.1630
Building material sales	C	C	---	---	
Business and trade schools	C	C	C	C	
Check-cashing businesses	C	C	C	C	10-2.1600
Commercial printing	P	P	---	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-2.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	
Fire arm sales	C	C	C	C	10-2.1600
Food and beverage sales: 30,000 sq. ft. or less floor area	P	P	P	P	

Use Classifications	C-4	C-4A	C-4B	C-4-PD	Additional Regulations See Section:
more than 30,000 sq. ft. floor area	P	P	C	C	10-2.641
Hotels and motels	C	C	C	C	
Laboratories	C	C	---	---	
Liquor stores	C	C	C	C	
Maintenance and repair services	P	P	P	P	
Mortuaries	C	C	---	---	
Offices	P	P	P	P	10-2.641
Personal convenience services	P	P	P	P	
Personal improvement services	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities:					10-2.1616
Reverse vending machines	P	P	P	P	
Small collection facilities	C	C	C	C	
Restaurants:					
2,000 sq. ft. or less floor area with no drive-up service	P	P	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	C	
Retail sales:					
30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	P	C	C	10-2.641
Snack shops	P	P	P	P	
Thrift shops	C	C	C	C	10-2.1600
Vehicle sales and services:					
Sales, leasing, and rentals	C	C	---	---	
Automobile washing	C	C	---	---	

Use Classifications	C-4	C-4A	C-4B	C-4-PD	Additional Regulations See Section:
Service stations	C	C	---	---	10-2.1602
Motor vehicle repair garages	C	C	---	---	10-2.1604
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-2.641
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-2.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-2.1624

SECTION 8. AMENDMENT OF CODE. Title 10, Chapter 2, Article 4, of the Redondo Beach Municipal Code is amended to add Section 10-2.1630 to read as follows:

10-2.1630

Body art studios.

(a) **Purpose.** In order to ensure compliance with state and city requirements regarding health and safety, and maintain the compatibility of this particularly sensitive land use with surrounding land uses, the following criteria shall be met in addition to all other applicable land use and development standards in this chapter.

(b) **Criteria.**

(1) Body art studios shall not operate between the hours of 10:00 p.m. and 10:00 a.m.

(2) The operator of the body art studio shall be responsible for ensuring that all Body art employees have obtained all necessary training, certification and permits to perform Body art services.

(3) All requirements set forth in California Assembly Bill 300, the Safe Body Art Act are incorporated by reference in this Chapter and all operators of body art studios shall comply with all requirements included therein.

(4) Live animals, except for service animals, shall not be allowed on the premises.

(5) Temporary or mobile studios or events are not authorized.

(6) Under no circumstance shall alcohol be sold, consumed or purchased in any body art studio.

(7) The minimum separation between site boundaries of properties containing massage businesses shall be 1,000 feet, except that this standard may be waived by the decision making body upon a finding that the addition of the massage business will not contribute to or create a blighting influence in its vicinity.

(c) **Conditional Use Permit required.** No body art studio shall be established unless a conditional use permit is obtained pursuant to Section 10-2.2506.

SECTION 9. 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 10. SEVERANCE. 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 11. PUBLICATION AND EFFECTIVE DATE. This ordinance shall be published by one insertion in The Beach Reporter, 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.

ORDINANCE NO. **-15**

AN ORDINANCE OF THE CITY COUNCIL OF REDONDO BEACH, CALIFORNIA, APPROVING A ZONING TEXT AMENDMENT TO SECTION 10-5.1630 OF THE COASTAL ZONING ORDINANCE TO ADD REGULATIONS PERTAINING TO TATTOO AND BODY PIERCING STUDIOS AND MODIFY RELATED MUNICIPAL CODE SECTIONS FOR CONSISTENCY

WHEREAS, the Coastal Zoning Ordinance does not list tattoo and body piercing shops as permitted or conditionally permitted uses and therefore prohibits these uses from operating in the city; and

WHEREAS, pursuant to the U.S. 9th Circuit Court of Appeals decision in *Johnny Anderson v. City of Hermosa Beach*, California cities must permit body art businesses to operate; and

WHEREAS, the *Anderson* decision allows cities to enact reasonable time, place and manner restrictions on the operation of these businesses; and

WHEREAS, the proposed regulations include acceptable times for body art studios to operate as well as spacing between the establishment of such body art studios; and

WHEREAS, body art businesses shall be added as a special use subject to the grant of a conditional use permit in addition to other particular requirements meant to mitigate potential secondary impacts of body art businesses in the City.

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

SECTION 1. FINDINGS.

- A. The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment. The Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3) of Title 14 of the California Code of Regulations.
- B. The amendments to the Coastal Zoning Ordinance are consistent with the General Plan.
- C. The proposed amendments will not have a significant effect on the environment and will have no impact on Fish and Game resources pursuant to Section 21089(b) of the Public Resources Code.

D. These amendments do not require a vote of the people under Article XXVII of the City Charter.

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. AMENDMENT OF CODE. The following definitions are hereby added Title 10, Chapter 5, Article 1, Section 10-5.402 of the Redondo Beach Municipal Code and such section is hereby renumbered as necessary to allow for these insertions:

“Body art” shall mean to adorn the body through the permanent application of a tattoo or insertion of an object, such as jewelry, into a hole for display purposes. Body art is the collective term for any single activity or combination of activities defined herein as tattooing or body piercing.

“Body art studio” shall mean any permanent premises, business, location, or facility, used or operated in whole or in part as a body piercing or tattoo shop.

“Body art employee” shall mean any person performing body art in any Body art studio in the City.

“Body piercing” shall mean to puncture, perforate, or penetrate a human body part or tissue with an object, appliance, or instrument for the purpose of placing a foreign object in the perforation to prevent the perforation from closing. This includes, but is not limited to, creating such an opening in the lip, tongue, nose, eyebrow or navel for the purpose of inserting jewelry or other decorations. Body piercing does not include piercing of the ear lobe or outer portion of the ear. Body piercing includes the removal of body piercing jewelry, except when removal is performed by a physician or other professional licensed by the State of California Medical Board as part of a medical practice.

“Tattoo/tattooing” shall mean to insert pigment, ink or dye under the surface of the skin of a person by pricking with a needle or otherwise, to permanently change the color or appearance of the skin or to produce an indelible mark or figure visible through the skin. Tattooing does not include application of permanent make-up that is performed as an incidental service in a beauty shop, day spa, or other service or retail establishment. Tattooing includes the removal of tattoos, except when removal is performed by a physician or other professional licensed by the State of California Medical Board as part of a medical practice.

SECTION 4. AMENDMENT OF CODE. Title 10, Chapter 5, Article 2, Section 10-5.620 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-5.620 Land use regulations: C-2, C-2A, and C-2B commercial zones, and C-2-PD pedestrian-oriented commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is

neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	C	C	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	
Animal hospitals	C	C	C	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	P C	
Bars and cocktail lounges	C	C	C	C	10-5.1600
Body art studios	C	C	C	C	10-5.1630
Building material sales	C	C	C	---	
Business and trade schools	C	C	C	C	
Check-cashing businesses	C	C	C	C	10-5.1600
Commercial printing	P	P	P	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-5.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	
Fire arm sales	C	C	C	C	10-5.1600
Food and beverage sales: 30,000 sq. ft. or less floor area	P	P	P	P	

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
more than 30,000 sq. ft. floor area	P	P	P	C	10-5.621
Hotels and motels	C	C	C	C	
Laboratories	C	C	C	---	
Liquor stores	C	C	C	C	10-5.1600
Maintenance and repair services	P	P	P	P	
Mortuaries	C	C	C	---	
Offices	P	P	P	P	10-5.621
Personal convenience services	P	P	P	P	
Personal improvement services	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities:					10-5.1616
Reverse vending machines	P	P	P	P	
Small collection facilities	C	C	C	C	
Restaurants:					
2,000 sq. ft. or less floor area with no drive-up service	P	P	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	C	
Retail sales:					
30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	P	P	C	10-5.621
Snack shops	P	P	P	P	
Thrift shops	C	C	C	C	10-5.1600
Vehicle sales and services:					
Sales, leasing, and rentals	C	---	C	---	
Automobile washing	C	---	C	---	

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Service stations	C	---	---	---	10-5.1602
Motor vehicle repair garages	C	---	C	---	10-5.1604
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-5.621
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-5.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-5.1624

SECTION 5. AMENDMENT OF CODE. Title 10, Chapter 5, Article 2, Section 10-5.630 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-5.630 Land use regulations: C-3, C-3A, and C-3B commercial zones, and C-3-PD pedestrian-oriented commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is

not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	---	---	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	
Animal hospitals	C	---	---	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	P C	
Bars and cocktail lounges	C	C	C	C	10-5.1600
Body art studios	C	C	C	C	10-5.1630
Building material sales	C	---	---	---	
Business and trade schools	C	C	C	C	
Check-cashing businesses	C	C	C	C	10-5.1600
Commercial printing	P	---	---	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-5.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	
Fire arm sales	C	C	C	C	10-5.1600
Food and beverage sales:					
30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	P	C	C	10-5.631

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Hotels and motels	C	C	C	C	
Laboratories	C	---	---	---	
Liquor stores	C	C	C	C	
Maintenance and repair services	P	P	P	P	
Mortuaries	C	---	---	---	
Offices	P	P	P	P	10-5.631
Personal convenience services	P	P	P	P	
Personal improvement services	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities:					10-5.1616
Reverse vending machines	P	P	P	P	
Small collection facilities	C	C	C	C	
Restaurants:					
2,000 sq. ft. or less floor area with no drive-up service	P	P	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	C	
Retail sales:					
30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	C	C	C	10-5.631
Snack shops	P	P	P	P	
Thrift shops	C	C	C	C	10-5.1600
Vehicle sales and services:					
Sales, leasing, and rentals	C	---	---	---	
Automobile washing	C	---	---	---	
Service stations	C	---	---	---	10-5.1602

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-5.631
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-5.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-5.1624

SECTION 6. AMENDMENT OF CODE. Title 10, Chapter 5, Article 2, Section 10-5.640 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-5.640 Land use regulations: C-4 and C-4A commercial zones, and C-4B and C-4-PD pedestrian-oriented commercial zones.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-4	C-4-PD	Additional Regulations See Section:
Commercial Uses			
Ambulance services	C	---	
Animal sales and services:			
Animal feed and supplies	P	P	
Animal grooming	C	C	
Animal hospitals	C	---	
Animal sales	C	C	
Artist's studios	P	P	
Banks and savings and loans with drive-up service	P C	P C	
Bars and cocktail lounges	C	C	10-5.1600
Body art studios	C	C	10-5.1630
Building material sales	C	---	
Business and trade schools	C	C	
Check-cashing businesses	C	C	10-5.1600
Commercial printing	P	---	
Commercial printing, limited	P	P	
Commercial recreation	C	C	10-5.1600
Communications facilities	C	C	
Drive-up services	C	C	
Fire arm sales	C	C	10-5.1600
Food and beverage sales:			
30,000 sq. ft. or less floor area	P	P	
more than 30,000 sq. ft. floor area	P	C	10-5.641
Hotels and motels	C	C	

Use Classifications	C-4	C-4-PD	Additional Regulations See Section:
Laboratories	C	---	
Liquor stores	C	C	
Maintenance and repair services	P	P	
Mortuaries	C	---	
Offices	P	P	10-5.641
Personal convenience services	P	P	
Personal improvement services	C	C	
Plant nurseries	C	C	
Recycling collection facilities:			10-5.1616
Reverse vending machines	P	P	
Small collection facilities	C	C	
Restaurants:			
2,000 sq. ft. or less floor area with no drive-up service	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	
Retail sales:			
30,000 sq. ft. or less floor area	P	P	
more than 30,000 sq. ft. floor area	P	C	10-5.641
Snack shops	P	P	
Thrift shops	C	C	10-5.1600
Vehicle sales and services:			
Sales, leasing, and rentals	C	---	
Automobile washing	C	---	
Service stations	C	---	10-5.1602
Motor vehicle repair garages	C	---	10-5.1604

Use Classifications	C-4	C-4-PD	Additional Regulations See Section:
Other Uses			
Adult day care centers	C	C	
Antennae for public communications	C	C	
Child day care centers	C	C	
Churches	C	C	
Clubs and lodges	C	C	
Cultural institutions	C	C	
Government offices	P	P	10-5.641
Parking lots	C	C	
Public safety facilities	C	C	
Public utility facilities	C	C	10-5.1614
Recreation facilities	C	C	
Schools, public or private	C	C	
Senior housing	C	C	10-5.1624

SECTION 7. AMENDMENT OF CODE. Title 10, Chapter 5, Article 2, Section 10-5.710 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-5.710 Land use regulations: C-5A commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-5A	Additional Regulations See Section:
Parks, Recreation and Open Space	P	
Commercial Uses		
Ambulance services	C	
Animal sales and services: Animal feed and supplies Animal grooming Animal hospitals Animal sales	P C C C	
Artist's studios	P	
Banks and savings and loans with drive-up service	P C	
Bars and cocktail lounges	C	10-5.1600
Body art studios	C	10-5.1630
Building material sales	C	
Business and trade schools	C	
Check-cashing businesses	C	10-5.1600
Commercial printing Commercial printing, limited	P P	
Commercial recreation	C	10-5.1600
Communications facilities	C	
Drive-up services	C	
Fire arm sales	C	10-5.1600
Food and beverage sales	P	
Hotels and motels	C	
Laboratories	C	

Use Classifications	C-5A	Additional Regulations See Section:
Liquor stores	C	
Maintenance and repair services	P	
Marine sales and services	C	
Mortuaries	C	
Offices	P	
Personal convenience services	P	
Personal improvement services	C	
Plant nurseries	C	
Recycling collection facilities: Reverse vending machines Small collection facilities	P C	10-5.1616
Restaurants: 2,000 sq. ft. or less floor area with no drive-up service more than 2,000 sq. ft. floor area or with drive-up service	P C	
Retail sales	P	
Snack shops	P	
Thrift shops	C	10-5.1600
Vehicle sales and services: Sales, leasing, and rentals Automobile washing Service stations Motor vehicle repair garages	C C C C	10-5.1602 10-5.711 10-5.1604

Use Classifications	C-5A	Additional Regulations See Section:
Industrial Uses		10-5.711
Manufacturing and fabrication: Custom manufacturing Electronics manufacturing Fabricating products from finished rubber Garment manufacturing Instrument manufacturing Office and related machinery Plastics fabrication Shoe manufacturing Sign manufacturing Textile manufacturing	 C C C C C C C C C C	 10-5.711
Laboratories	C	10-5.711
Professional offices	P	10-5.711
Computer and data processing facilities	P	
Coastal-related uses: Ships chandlers Sail manufacturing Boat fittings Marine research and labs Boat building	 C C C C C	 10-5.711

Use Classifications	C-5A	Additional Regulations See Section:
Construction-related uses: Building material storage yards Contractor's plants, offices, and storage yards Equipment leasing and rentals Lumber yards Stone monument works Woodworking	C C C C C C	10-5.711
Wholesaling/distribution/storage	C	10-5.711
Mini-warehousing and self-storage	C	10-5.711
Motor vehicle-related uses: Motor vehicle body and fender shops Motor vehicle repair garages Motor vehicle towing and storage	C C C	10-5.711 10-5.1606 10-5.1604
Recycling facilities: Large collection facilities Light processing facilities	C C	10-5.1616 10-5.711 10-5.711

Use Classifications	C-5A	Additional Regulations See Section:
Cultural institutions	C	
Government offices	P	
Parking lots	C	
Public safety facilities	C	
Public utility facilities	C	10-5.1614
Recreation facilities	C	
Schools, public or private	C	

SECTION 8. AMENDMENT OF CODE. Title 10, Chapter 5, Article 2, Section 10-5.810 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-5.810 Land use regulations: CC coastal commercial zones.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	CC-1	CC-2	CC-3	CC-4	CC-5	Additional Regulations See Section:
Commercial Uses						
Banks (no drive-up service)	C	C	C	C	P	10-5.811
Bars and nightclubs	C	C	C	C	C	10-5.811; 10-5.1600
Body art studios	C	C	C	C	C	10-5.811; 10-5.1630
Commercial recreation	C	C	C	C	C	10-5.811; 10-5.1600
Food and beverage sales	C	C	C	C	C	10-5.811

Use Classifications	CC-1	CC-2	CC-3	CC-4	CC-5	Additional Regulations See Section:
Hotels (including limited use overnight visitor accommodations)	C	C	C	C	C	10-5.811
Marinas	C	---	C	C	---	10-5.811
Marina-related facilities:						10-5.811
Boating facilities	C	---	C	C	C	
Marines sales and services	C	C	C	C	C	
Yacht and boating clubs	---	---	C	C	C	
Offices	C	C	C	C	P	10-5.811
Personal convenience services	C	C	C	C	P	10-5.811
Personal improvement services	---	C	C	C	C	10-5.811
Restaurants	C	C	C	C	C	10-5.811
Recreational equipment rentals	---	C	C	C	---	10-5.811
Retail sales (any tenant space not exceeding 5,000 sq. ft. floor area)	P	P	P	P	P	10-5.811
Retail sales (any tenant space exceeding 5,000 sq. ft. floor area)	C	C	C	C	C	10-5.811
Snack shops	P	P	P	P	P	10-5.811
Other Uses						
Adult day care centers	---	C	C	C	C	10-5.811
Antennae for public communications	C	C	C	C	C	10-5.811
Child day care centers	---	C	C	C	C	10-5.811
Cultural institutions	C	C	C	C	C	10-5.811
Government offices	C	C	---	---	P	10-5.811
Parks, recreation and open space	P	P	P	P	P	10-5.811
Parking lots	---	C	C	C	C	10-5.811

Use Classifications	CC-1	CC-2	CC-3	CC-4	CC-5	Additional Regulations See Section:
Public safety facilities	C	C	C	C	C	10-5.811
Public utility facilities	C	C	C	C	C	10-5.1614
Recreation facilities	C	C	C	C	C	10-5.811
Schools, public or private	---	C	C	C	C	10-5.811

SECTION 9. AMENDMENT OF CODE. Section 10-5.1630 is hereby incorporated into Article 4, Chapter 5 Title 10 of the Redondo Beach Municipal Code to read as follows:

10-5.1630

Body art studios.

(a) **Purpose.** In order to ensure compliance with state and city requirements regarding health and safety, and maintain the compatibility of this particularly sensitive land use with surrounding land uses, the following criteria shall be met in addition to all other applicable land use and development standards in this chapter.

(b) **Criteria.**

(1) Body art studios shall not operate between the hours of 10:00 p.m. and 10:00 a.m.

(2) The operator of the body art studio shall be responsible for ensuring that all Body art employees have obtained all necessary training, certification and permits to perform Body art services.

(3) All requirements set forth in California Assembly Bill 300, the Safe Body Art Act are incorporated by reference in this Chapter and all operators of body art studios shall comply with all requirements included therein.

(4) Live animals, except for service animals, shall not be allowed on the premises.

(5) Temporary or mobile studios or events are not authorized.

(6) Under no circumstance shall alcohol be sold, consumed or purchased in any body art studio.

(7) The minimum separation between site boundaries of properties containing massage businesses shall be 1,000 feet, except that this standard may

be waived by the decision making body upon a finding that the addition of the massage business will not contribute to or create a blighting influence in its vicinity.

(c) **Conditional Use Permit required.** No body art studio shall be established unless a conditional use permit is obtained pursuant to Section 10-5.2506.

SECTION 10. 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 11. SEVERANCE. 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 12. PUBLICATION AND EFFECTIVE DATE. This ordinance shall be published by one insertion in The Beach Reporter, 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.



Administrative Report

Planning Commission Hearing Date: August 20, 2015

AGENDA ITEM: 9 (Public Hearing)

PROJECT LOCATION: CITY WIDE

APPLICANT'S NAME: CITY OF REDONDO BEACH

CASE NUMBER: 2015-08-PC-012

SUBJECT: **APPROVAL OF AN EXEMPTION DECLARATION AND ADOPTION OF PLANNING COMMISSION RESOLUTIONS RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCES AMENDING CHAPTER 2 ZONING AND LAND USE AND CHAPTER 5 COASTAL LAND USE IMPLEMENTING ORDINANCE OF TITLE 10 REGULATING MASSAGE BUSINESSES IN PLANNING AND ZONING OF THE REDONDO BEACH MUNICIPAL CODE**

RECOMMENDATION:

It is recommended that the Planning Commission:

- 1) Open the public hearing and take public testimony; and
- 2) Approve the Exemption Declaration; and
- 3) Adopt the following resolutions by title only, waiving further reading:

A) RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH RECOMMENDING THAT THE CITY COUNCIL; (1) APPROVE AN EXEMPTION DECLARATION (2) AMEND SECTIONS 10-2.402, 10-.2.610, 10-2.620, 10-2.630, 10-2.640, AND ADD SECTION 10-2.1628 TO AMEND THE ZONING ORDINANCE ESTABLISHING STANDARDS FOR APPROVING MASSAGE BUSINESSES AND REQUIRING ALL NEW MASSAGE BUSINESSES TO OBTAIN A CONDITIONAL USE PERMIT

B) RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH RECOMMENDING THAT THE CITY COUNCIL; (1) APPROVE AN EXEMPTION DECLARATION (2) AMEND SECTIONS 10-5.402, 10-5.620, 10-5.630, 10-5.640, 10-5.710, 10-5.810, 10-5.910 AND ADD SECTION 10-5.1628 TO AMEND THE COASTAL ZONING ORDINANCE ESTABLISHING STANDARDS FOR APPROVING MASSAGE BUSINESSES AND REQUIRING ALL NEW MASSAGE BUSINESSES TO OBTAIN A CONDITIONAL USE PERMIT

EXECUTIVE SUMMARY

Effective January 1, 2015, Assembly Bill (AB) 1147, also referred to as The Massage Therapy Act, restores the abilities of cities and counties to regulate massage establishments and establish related land use controls. Representatives from the Community Development Department and the City Attorney's office have created two ordinances to regain local control. The first ordinance amends Section 10-2.1628 of the Zoning Ordinance to add regulations pertaining to massage businesses and modifying related Municipal Code sections for consistency. The second ordinance amends Section 10-5.1628 of the Coastal Zoning Ordinance to add regulations pertaining to massage businesses and modifying related Municipal Code sections for consistency. Both ordinances institute a requirement that massage businesses obtain a Conditional Use Permit for operation within the Commercial and Mixed-Use zones of the City.

BACKGROUND

Previous to AB 1147, Senate Bill (SB) 731 was adopted in 2008 which created a non-profit organization called the California Massage Therapy Council (CAMTC). This organization provides voluntary certification to massage therapists and massage practitioners. The CAMTC certification exempted the individual from most local government regulations and also prohibited local governments from regulating massage establishments differently than any other professional business. Furthermore, SB 731 required that massage establishments be allowed in all the same zones as other professional businesses. The sunset date for SB 731 was January 1, 2015.

Recognizing that SB 731 had many unintended consequences, the Legislature adopted AB 1147 in 2014 to restore local controls. While the CAMTC certification provisions remain intact, The Massage Therapy Act includes a number of important changes. The most important change is that cities and counties now have the ability to impose ordinances, regulations, rules, requirements, restrictions, and land use regulations that differ from those placed on other professional services and that focus on CAMTC certified individuals and businesses that use only CAMTC certified professionals. The Act now provides that the protection of the public is the highest priority and local regulations are enforceable if they are reasonable and necessary. Additionally, the CAMTC Board now includes more governmental representation while reducing the amount of industry representation. The Massage Therapy Act remains effective until January 1, 2017. Prior to expiration, the Act will be reviewed to determine its effectiveness and pitfalls. Cities are cautioned to not abuse the authority as it will be re-evaluated in the near future.

ANALYSIS / EVALUATION

The City currently has 38 active massage businesses, four of which only provide foot massage. The businesses are primarily located within the Commercial zones, however,

nine are within Mixed-Use zones and two are located within the R-3A zone. The majority of the businesses are located within South Redondo Beach with 15 located in North Redondo and the remaining 23 located in South Redondo.

Since 2009, seven (7) massage establishments have been shut down by the City for illegal activities. This equates to approximately one illegal business shut down each year. A variety of warnings have also been issued to businesses in relationship to employees lacking the proper certification. Because of the restrictions set forth by SB 731, the City had limited ability to appropriately regulate these types of establishments. Given that this is a sensitive land use, there is a history of problematic massage businesses in the City, and AB 1147 has restored the City's authority, several amendments are recommended to Chapter 2 of the Zoning Ordinance and Chapter 5 of the Coastal Zoning Ordinance.

The following is a summary of the changes proposed:

1. Definitions are to be incorporated into Section 10-2.402 of the Zoning Ordinance and Section 10-5.402 of the Coastal Zoning Ordinance that specify massage, massage business, owners, employees, and certifications.
2. "Massage Businesses" will be added as a new Use Classification requiring a Conditional Use Permit in all Commercial and Mixed-Use zones. Sections amended will include 10-2.610, 10-2.620, 10-2.630, 10-2.910 of the Zoning Ordinance and 10-5.620, 10-5.630, 10-5.640, 10-5.710, 10-5.810, and 10-5.910 of the Coastal Zoning Ordinance.
3. Section 10-2.1628 of the Zoning Ordinance and Section 10-5.1628 of the Coastal Zoning Ordinance are to include the following language:
 - a. Purpose. In order to ensure compliance with state and city requirements regarding health and safety, and maintain the compatibility of this particularly sensitive land use with surrounding land uses, the following criteria shall be met in addition to all other applicable land use and development standards in this chapter.
 - b. Criteria.
 - i. Massage businesses shall comply with all provisions of Title 6, Chapter 2 of this Code.
 - ii. Massage business owners shall obtain and maintain in compliance all permits required by the County of Los Angeles, Department of Public Health.
 - iii. No Massage business may be operated from a location where illegal activity has occurred within three (3) years of submission of an application for a Massage business at that location.

- iv. Massage establishment owner(s) must submit proof of a valid Business Registration Certificate or proof that consideration of such a Certificate is in process.
 - v. The minimum separation between site boundaries of properties containing massage businesses shall be 1,000 feet, except that this standard may be waived by the decision making body upon a finding that the addition of the massage business will not contribute to or create a blighting influence in its vicinity.
 - vi. Alcohol shall not be sold, consumed or purchased in any Massage business.
 - vii. Condoms shall not be sold or purchased in any Massage business.
- c. Conditional Use Permit Required
- i. No Massage businesses shall be established after the effective date of this ordinance unless a Conditional Use Permit is obtained pursuant to Section 10-5.2506.
 - ii. Massage establishment violations. If a Massage Business or any Massage Business Employee is convicted of a felony or misdemeanor, or pleads no lo contendre to an infraction violation of applicable City code or state law and that violation is one that permits the business to continue operations, the Massage Business must obtain a Conditional Use Permit to continue operating in the City.

The above requirements pertain primarily to new massage businesses within the City. Massage businesses that currently exist and do not expand or increase said business will not be required to obtain a Conditional Use Permit. If an existing massage business, however, expands or increases its use or is found to be in violation of the law, that business will be required to obtain a Conditional Use Permit under the new provisions. Furthermore, massage businesses cannot operate in locations where illegal activities have occurred within the last three years.

Staff suggests a minimum separation of 1,000 feet between massage businesses, which approximately equates to one business per City block. This is consistent with Section 10-2.1600 of the Zoning Ordinance relating to businesses such as bars, cocktail lounges, thrift shops, and liquor stores. The purpose of this separation is to “prevent a blighting impact on the character of commercial zones, help insure the compatibility of these particularly sensitive land uses with surrounding land uses, and maintain a healthy and balanced mix of commercial uses.”

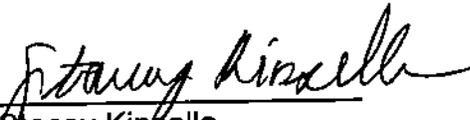
Businesses that are exempted from these requirements include those that utilize massage as an ancillary service such as chiropractic care, sports medicine, and physical therapy.

ENVIRONMENTAL STATUS

Staff has determined that the proposed amendments to the Zoning Ordinance and Coastal Zoning Ordinance are not subject to CEQA pursuant to Section 15061(b) (3) of Title 14 of the California Code of Regulations.

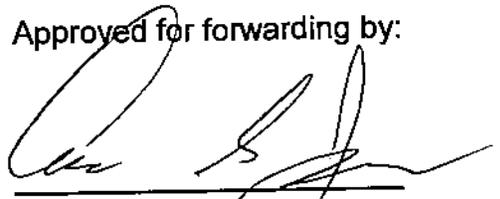
It is recommended that the Planning Commission recommend that the City Council approve the Exemption Declaration.

Submitted by:



Stacey Kinsella
Special Projects Planner

Approved for forwarding by:



Aaron Jones
Community Development Director

Attachments

- CEQA Exemption Declaration
- Resolution 2015-08-PC-011 (Non-Coastal)
- Resolution 2015-08-PC-012 (Coastal)
- Draft Ordinance for Non-Coastal Amendments
- Draft Ordinance for Coastal Amendments



CITY OF REDONDO BEACH

EXEMPTION DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

DATE: August 14, 2015

PROJECT ADDRESS: Citywide

PROPOSED PROJECT: Adoption of Planning Commission Resolutions Recommending that the City Council Adopt Ordinances Amending Chapter 2 Zoning and Land Use and Chapter 5 Coastal Land Use Implementing Ordinance of Title 10 Regulating Massage Businesses in Planning and Zoning of the Redondo Beach Municipal Code

In accordance with Chapter 3, Title 10, Section 10-3.301(a) of the Redondo Beach Municipal Code, the above-referenced project is Categorically Exempt from the preparation of environmental review documents pursuant to:

The proposed amendments to the Zoning Ordinance and Coastal Zoning Ordinance are not subject to CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations stating that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and the activity is not a project as defined in Section 15378(a) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly. The Ordinances are, therefore, exempt from the environmental review requirements of the California Environmental Quality Act.



Stacey Kinseja
Special Projects Planner

RESOLUTION NO. 2015-08-PCR-011

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH RECOMMENDING THAT THE CITY COUNCIL; (1) APPROVE EXEMPTION DECLARATION (2) AMEND SECTIONS 10-2.402, 10-2.610, 10-2.620, 10-2.630, 10-2.640, 10-2.910 AND ADD SECTION 10-2.1628 TO AMEND THE ZONING ORDINANCE ESTABLISHING STANDARDS FOR APPROVING MASSAGE BUSINESSES AND REQUIRING ALL NEW MASSAGE BUSINESSES TO OBTAIN A CONDITIONAL USE PERMIT

WHEREAS, the Planning Commission of the City of Redondo Beach held a public hearing on August 20th, 2015, at which time all interested parties were given an opportunity to be heard and to present evidence; and

WHEREAS, notice of the time and place of the public hearing was published according to law in the Easy Reader, a newspaper of general circulation in the City.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY FIND:

1. In compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, and State and local guidelines adopted pursuant thereto, the City of Redondo Beach prepared an Exemption Declaration as the proposed amendments to the Zoning Ordinance and Coastal Zoning Ordinance are not subject to CEQA pursuant to Section 15061(b) (3) of Title 14 of the California Code of Regulations.
2. The amendments to the Zoning Ordinance are consistent with the General Plan.
3. The proposed amendments will not have a significant effect on the environment and will have no impact on Fish and Game resources pursuant to Section 21089(b) of the Public Resources Code.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission recommends that the City Council concur in the above findings and find that the Ordinance is exempt from the environmental review requirements of the California Environmental Quality Act.

SECTION 2. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10, Chapter 2 Article 1, Section 10-2.402 of the Redondo Beach Municipal Code to add the following definitions and renumber such section as necessary to allow for these insertions:

“Certified massage sole proprietorship” means any massage business where the owner is the only person employed or used by that business to provide massage services and the owner has a current and valid State certification and City registration certificate.

“Massage” means any method of treating the external parts of the body for remedial, health, hygienic, or relaxation purposes for any form of compensation. “Massage” includes, but is not limited to, treatment by means of pressure or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating, with or without the aid of or by means of any mechanical, electronic or electrical apparatus or appliance or with or without application of rubbing alcohol, liniments, aromatics, antiseptics, oils, powders, creams, lotions, ointments or other similar preparations commonly used in this practice. “Massage” shall not mean those ancillary services described in section 6-2.07 of this Code.

“Massage business” or **“Massage establishment”** means a business or establishment, including a sole proprietor or independent contractor, that offers massage therapy within the City, whether at a fixed place of business or at a location designated by the patron.

“Massage business owner” or **“Massage business operator”** means any and all owners of a massage business including any of the following persons: the managing responsible officer/employee, a general partner, a limited partner, a shareholder, a sole proprietor, or any person who has a five (5) percent or greater ownership interest in a massage business whether as an individual, corporate entity, limited partner, shareholder or sole proprietor.

“Massage business employee” or **“Massage establishment employee”** for the purposes of this chapter means all persons conducting business at a Massage Business as described in this Code.

“State Certification” or **“State Certificate”** means a valid and current certification properly issued by the CAMTC pursuant to California Business and Professions Code Section 4600, *et seq.*

“Registration Certificate – Business” or **“Business Registration Certificate”** means a certification issued by the Permit Administrator upon submission of satisfactory evidence as required that a massage business or sole proprietorship employs or uses only certified massage therapists or practitioners possessing valid and current State Certifications and has satisfied all other requirements pursuant to the provisions of this Chapter.

SECTION 3. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10 Chapter 2, Article 2, Section 10-2.610 of the Redondo Beach Municipal Code to read as follows:

10-2.610 Land use regulations: C-1 commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-2.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-1	Additional Regulations See Section:
Commercial Uses		
Animal sales and services:		
Animal feed and supplies	P	
Animal grooming	C	
Animal sales	C	
Artist's studios	P	
Banks and savings and loans	P	
with drive-up service	C	
Bars and cocktail lounges	C	10-2.1600
Commercial printing	C	
Commercial printing, limited	P	
Drive-up services	C	
Food and beverage sales	P	
Liquor stores	C	10-2.1600
Maintenance and repair services	P	
Massage Businesses	C	10-2.1628, 6-2.03, 6-2.08
Offices	P	
Personal convenience services	P	
Personal improvement services	C	
Plant nurseries	C	

Use Classifications	C-1	Additional Regulations See Section:
Recycling collection facilities:		10-2.1616
Reverse vending machines	P	
Small collection facilities	C	
Restaurants:		
2,000 sq. ft. or less floor area with no drive-up service	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	
Retail sales	P	
Snack shops	P	
Vehicle sales and services:		
Service stations	C	10-2.1602
Motor vehicle repair garages	C	10-2.611; 10-2.1604
Other Uses		
Adult day care centers	C	
Antennae for public communications	C	
Child day care centers	C	
Churches	C	
Clubs and lodges	C	
Cultural institutions	C	
Government offices	P	
Parking lots	C	
Public safety facilities	C	
Public utility facilities	C	10-2.1614
Recreation facilities	C	

Use Classifications	C-1	Additional Regulations See Section:
Schools, public or private	C	

SECTION 4. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10, Chapter 2, Article 2, Section 10-2.620 of the Redondo Beach Municipal Code to read as follows:

10-2.620 Land use regulations: C-2, C-2A, and C-2B commercial zones, and C-2-PD pedestrian-oriented commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-2.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	C	C	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	
Animal hospitals	C	C	C	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans	P	P	P	P	
with drive-up service	C	C	C	C	
Bars and cocktail lounges	C	C	C	C	10-2.1600
Building material sales	C	C	C	---	
Business and trade schools	C	C	C	C	

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Check-cashing businesses	C	C	C	C	10-2.1600
Commercial printing	P	P	P	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-2.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	
Fire arm sales	C	C	C	C	10-2.1600
Food and beverage sales:					
30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	P	P	C	10-2.621
Hotels and motels	C	C	C	C	
Laboratories	C	C	C	---	
Liquor stores	C	C	C	C	10-2.1600
Maintenance and repair services	P	P	P	P	
Massage Businesses	C	C	C	C	10-2.1628, 6-2.03, 6-2.08
Mortuaries	C	C	C	---	
Offices	P	P	P	P	10-2.621
Personal convenience services	P	P	P	P	
Personal improvement services	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities:					10-2.1616
Reverse vending machines	P	P	P	P	
Small collection facilities	C	C	C	C	
Restaurants:					
2,000 sq. ft. or less floor area with	P	P	P	P	

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
no drive-up service more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	C	
Retail sales: 30,000 sq. ft. or less floor area more than 30,000 sq. ft. floor area	P P	P P	P P	P C	10-2.621
Snack shops	P	P	P	P	
Thrift shops	C	C	C	C	10-2.1600
Vehicle sales and services: Sales, leasing, and rentals Automobile washing Service stations Motor vehicle repair garages	C C C C	--- --- --- ---	C C --- C	--- --- --- ---	10-2.1602 10-2.1604
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-2.621
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Public utility facilities	C	C	C	C	10-2.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-2.1624

SECTION 5. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10 Chapter 2, Article 2, Section 10-2.630 of the Redondo Beach Municipal Code to read as follows:

10-2.630 Land use regulations: C-3, C-3A, and C-3B commercial zones, and C-3-PD pedestrian-oriented commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-2.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	---	---	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	
Animal hospitals	C	---	---	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans	P	P	P	P	
with drive-up service	C	C	C	C	

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Bars and cocktail lounges	C	C	C	C	10-2.1600
Building material sales	C	---	---	---	
Business and trade schools	C	C	C	C	
Check-cashing businesses	C	C	C	C	10-2.1600
Commercial printing	P	---	---	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-2.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	
Fire arm sales	C	C	C	C	10-2.1600
Food and beverage sales:					
30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	P	C	C	10-2.631
Hotels and motels	C	C	C	C	
Laboratories	C	---	---	---	
Liquor stores	C	C	C	C	
Maintenance and repair services	P	P	P	P	
Massage Businesses	C	C	C	C	10-2.1628, 6-2.03, 6-2.08
Mortuaries	C	---	---	---	
Offices	P	P	P	P	10-2.631
Personal convenience services	P	P	P	P	
Personal improvement services	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities:					
Reverse vending machines	P	P	P	P	10-2.1616

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Small collection facilities	C	C	C	C	
Restaurants: 2,000 sq. ft. or less floor area with no drive-up service	P	P	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	C	
Retail sales: 30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	C	C	C	10-2.631
Snack shops	P	P	P	P	
Thrift shops	C	C	C	C	10-2.1600
Vehicle sales and services: Sales, leasing, and rentals	C	---	---	---	
Automobile washing	C	---	---	---	
Service stations	C	---	---	---	10-2.1602
Motor vehicle repair garages	C	---	---	---	10-2.1604
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-2.631

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-2.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-2.1624

SECTION 6. AMENDMENT OF CODE. Title 10, Chapter 2, Article 2, Division 4, Section 10-2.640 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-2.640 Land use regulations: C-4, C-4A, and C-4B commercial zones, and C-4-PD pedestrian-oriented commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-2.2506, and the letter “A” designates use classification permitted subject to approval of an Administrative Use Permit, as provided in Section 10-2.2507. Where there is neither a “P”, a “C” nor an “A” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-4	C-4A	C-4B	C-4-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	C	---	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	

Use Classifications	C-4	C-4A	C-4B	C-4-PD	Additional Regulations See Section:
Animal hospitals	C	C	---	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	P C	
Bars and cocktail lounges	C	C	C	C	10-2.1600
Building material sales	C	C	---	---	
Business and trade schools	C	C	C	C	
Check-cashing businesses	C	C	C	C	10-2.1600
Commercial printing	P	P	---	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-2.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	
Fire arm sales	C	C	C	C	10-2.1600
Food and beverage sales: 30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	P	C	C	10-2.641
Hotels and motels	C	C	C	C	
Laboratories	C	C	---	---	
Liquor stores	C	C	C	C	
Maintenance and repair services	P	P	P	P	
Massage Businesses	C	C	C	C	10-2.1628, 6-2.03, 6-2.08
Mortuaries	C	C	---	---	

Use Classifications	C-4	C-4A	C-4B	C-4-PD	Additional Regulations See Section:
Offices	P	P	P	P	10-2.641
Personal convenience services	P	P	P	P	
Personal improvement services: 1,000 sq. ft. of less floor area with no drive-up service	P	P	P	P	Except Music Studios 2,000 sq. ft. or less floor area require an AUP 10-2.2507
1,001 – 2,000 sq. ft. floor area	A	A	A	A	
2,001 sq. ft. or greater floor area	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities: Reverse vending machines	P	P	P	P	10-2.1616
Small collection facilities	C	C	C	C	
Restaurants: 2,000 sq. ft. or less floor area with no drive-up service	P	P	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	C	
Retail sales: 30,000 sq. ft. or less floor area	P	P	P	P	10-2.641
more than 30,000 sq. ft. floor area	P	C	C	C	
Snack shops	P	P	P	P	
Thrift shops	C	C	C	C	10-2.1600
Vehicle sales and services: Sales, leasing, and rentals	C	C	---	---	10-2.1602
Automobile washing	C	C	---	---	
Service stations	C	C	---	---	10-2.1604
Motor vehicle repair garages	C	C	---	---	

Use Classifications	C-4	C-4A	C-4B	C-4-PD	Additional Regulations See Section:
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-2.641
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-2.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-2.1624

SECTION 7. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10, Chapter 2, Article 2, Division 7, Section 10-2.910 of the Redondo Beach Municipal Code to read as follows:

10-2.910 Land use regulations: MU-2, MU-3, MU-3B, and MU-3C mixed-use zones.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-2.2506, and the letter “A” designates use classifications permitted subject to approval of an Administrative Use Permit, as provided in Section 10-2.2507. Where there is neither a “P”, a “C” nor an “A” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	MU-1	MU-3	MU-3A MU-3B MU-3C	CR	Additional Regulations See Section:
Residential Uses					
Multi-family residential	C	C	C	C	10-2.911(b)
Condominiums	C	C	C	C	10-2.911(b)
Family day care home, small	P	P	P	P	
Family day care home, large	P	P	P	P	
Residential care, limited	P	P	P	P	
Commercial Uses					
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	10-2.911(a)
Animal hospitals	C	C	C	C	10-2.911(a)
Animal sales	C	C	C	C	10-2.911(a)
Artist's studios	P	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	P C	10-2.911(a)
Bars and cocktail lounges	C	C	C	C	10-2.1600
Business and trade schools	C	C	C	C	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-2.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	10-2.911(a)
Food and beverage sales:					
30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	C	C	C	C	10-2.911(c)

Use Classifications	MU-1	MU-3	MU-3A MU-3B MU-3C	CR	Additional Regulations See Section:
Hotels	C	C	C	C	
Liquor stores	C	C	C	C	10-2.1600
Maintenance and repair services	P	P	P	P	
Massage Businesses	C	C	C	C	10-2.1628, 6-2.03, 6-2.08
Offices	P	P	P	P	10-2.911(d)
Personal convenience services	P	P	P	P	
Personal improvement services: 1,000 sq. ft. of less floor area with no drive-up service	C	C	C	C	Except must studios 2,000 sq. ft. or less floor area require an AUP 10-2.2507
1,001 – 2,000 sq. ft. floor area	A	A	A	A	
2,001 sq. ft. or great floor area	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities:					10-2.1616
Reverse vending machines	P	P	P	P	10-2.911(a)
Small collection facilities	C	C	C	C	10-2.911(a)
Restaurants:					
2,000 sq. ft. or less floor area with no drive-up service	P	P	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	C	
Retail sales:					
30,000 sq. ft. or less floor area	P	P	P	P	10-2.911(c)
more than 30,000 sq. ft. floor area	C	C	C	C	
Snack shops	P	P	P	P	

Use Classifications	MU-1	MU-3	MU-3A MU-3B MU-3C	CR	Additional Regulations See Section:
Thrift shops	C	C	C	C	10-2.1600
Vehicle sales and services:					10-2.911(a); 10-2.1602
Service stations	---	C	---	---	
Car wash	---	C (Not MU-3C)	---	---	
		C			
		C			
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-2.911(d)
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-2.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-2.1624

SECTION 8. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10, Chapter 2, Article 4, of the Redondo Beach Municipal Code to add Section 10-2.1628 to read as follows:

10-2.1628 **Massage businesses**

(a) **Purpose.** In order to ensure compliance with state and city requirements regarding health and safety, and maintain the compatibility of this particularly sensitive land use with surrounding land uses, the following criteria shall be met in addition to all other applicable land use and development standards in this chapter.

(b) **Criteria.**

(1) Massage businesses shall comply with all provisions of Title 6, Chapter 2 of this Code.

(2) Massage business owners shall obtain and maintain in compliance all permits required by the County of Los Angeles, Department of Public Health.

(3) No Massage business may be operated from a location where illegal activity has occurred within three (3) years of submission of an application for a Massage business at that location.

(4) Massage establishment owner(s) must submit proof of a valid Business Registration Certificate or proof that consideration of such a Certificate is in process.

(5) The minimum separation between site boundaries of properties containing massage businesses shall be 1,000 feet, except that this standard may be waived by the decision making body upon a finding that the addition of the massage business will not contribute to or create a blighting influence in its vicinity.

(6) Alcohol shall not be sold, consumed or purchased in any Massage business.

(7) Condoms shall not be sold or purchased in any Massage business.

(c) **Conditional Use Permit required.**

(1) No Massage businesses shall be established after the effective date of this ordinance unless a conditional use permit is obtained pursuant to Section 10-2.2506.

(2) Massage establishment violations. If a Massage Business or any Massage Business Employee is convicted of a felony or misdemeanor, or pleads nolo contendere to an infraction violation of applicable City code or state law and that violation is one that permits the business to continue operations, the Massage Business must obtain a conditional use permit to continue operating in the City.

PASSED, APPROVED AND ADOPTED this 20th day of August 2015.

Nicholas Biro, Chair
Planning Commission
City of Redondo Beach

ATTEST:

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

I, Aaron Jones, Planning Director of the City of Redondo Beach, California, do hereby certify that the foregoing Resolution No. 2015-08-PCR-011 was duly passed, approved and adopted by the Planning Commission of the City of Redondo Beach, California, at a regular meeting of said Planning Commission held on the 20th day of August, 2015 by the following roll call vote:

AYES:

NOES:

ABSENT:

Aaron Jones, Planning Director

APPROVED AS TO FORM:

City Attorney's Office

RESOLUTION NO. 2015-08-PCR-012

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH RECOMMENDING THAT THE CITY COUNCIL; (1) APPROVE EXEMPTION DECLARATION (2) AMEND SECTIONS 10-5.402, 10-5.620, 10-5.630, 10-5.640, 10-5.710, 10-5.810, 10-5.910 AND ADD SECTION 10-5.1628 TO AMEND THE COASTAL ZONING ORDINANCE ESTABLISHING STANDARDS FOR APPROVING MESSAGE BUSINESSES AND REQUIRING ALL NEW MESSAGE BUSINESSES TO OBTAIN A CONDITIONAL USE PERMIT

WHEREAS, the Planning Commission of the City of Redondo Beach held a public hearing on August 20th, 2015, at which time all interested parties were given an opportunity to be heard and to present evidence; and

WHEREAS, notice of the time and place of the public hearing was published according to law in the Easy Reader, a newspaper of general circulation in the City.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY FIND:

1. In compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, and State and local guidelines adopted pursuant thereto, the City of Redondo Beach prepared an Exemption Declaration as the proposed amendments to the Zoning Ordinance and Coastal Zoning Ordinance are not subject to CEQA pursuant to Section 15061(b) (3) of Title 14 of the California Code of Regulations.
2. The amendments to the Zoning Ordinance are consistent with the General Plan.
3. The proposed amendments will not have a significant effect on the environment and will have no impact on Fish and Game resources pursuant to Section 21089(b) of the Public Resources Code.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission recommends that the City Council concur in the above findings and find that the Ordinance is exempt from the environmental review requirements of the California Environmental Quality Act.

SECTION 2. AMENDMENT OF CODE. The Planning Commission recommends that the City Council amend Title 10, Chapter 5, Article 1, Section 10-5.402 of the Redondo Beach Municipal Code to incorporate the following definitions and to renumber such section as necessary to allow for these insertions:

“Certified massage sole proprietorship” means any massage business where the owner is the only person employed or used by that business to provide massage services and the owner has a current and valid State certification and City registration certificate.

“Massage” means any method of treating the external parts of the body for remedial, health, hygienic, or relaxation purposes for any form of compensation. “Massage” includes, but is not limited to, treatment by means of pressure or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating, with or without the aid of or by means of any mechanical, electronic or electrical apparatus or appliance or with or without application of rubbing alcohol, liniments, aromatics, antiseptics, oils, powders, creams, lotions, ointments or other similar preparations commonly used in this practice. “Massage” shall not mean those ancillary services described in section 6-2.07 of this Code.

“Massage Business” or **“Massage Establishment”** means a business or establishment, including a sole proprietor or independent contractor, that offers massage therapy within the City, whether at a fixed place of business or at a location designated by the patron.

“Massage Business Owner” or **“Massage Business Operator”** means any and all owners of a massage business including any of the following persons: the managing responsible officer/employee, a general partner, a limited partner, a shareholder, a sole proprietor, or any person who has a five (5) percent or greater ownership interest in a massage business whether as an individual, corporate entity, limited partner, shareholder or sole proprietor.

“Massage Business Employee” or **“Massage Establishment Employee”** means all persons conducting business at a Massage Business as described in this Code.

“State Certification” or **“State Certificate”** means a valid and current certification properly issued by the CAMTC pursuant to California Business and Professions Code Section 4600, *et seq.*

“Registration Certificate – Business” or **“Business Registration Certificate”** means a certification issued by the Permit Administrator upon submission of satisfactory evidence as required that a massage business or sole proprietorship employs or uses only certified massage therapists or practitioners possessing valid and current State Certifications and has satisfied all other requirements pursuant to the provisions of this Chapter.

SECTION 4. AMENDMENT OF CODE. Title 10, Chapter 5, Article 2, Section 10-5.620 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-5.620 Land use regulations: C-2, C-2A, and C-2B commercial zones, and C-2-PD pedestrian-oriented commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	C	C	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	
Animal hospitals	C	C	C	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	P C	
Bars and cocktail lounges	C	C	C	C	10-5.1600
Building material sales	C	C	C	---	
Business and trade schools	C	C	C	C	
Check-cashing businesses	C	C	C	C	10-5.1600
Commercial printing	P	P	P	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-5.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	
Fire arm sales	C	C	C	C	10-5.1600

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Food and beverage sales: 30,000 sq. ft. or less floor area more than 30,000 sq. ft. floor area	P P	P P	P P	P C	10-5.621
Hotels and motels	C	C	C	C	
Laboratories	C	C	C	---	
Liquor stores	C	C	C	C	10-5.1600
Maintenance and repair services	P	P	P	P	
Massage Businesses	C	C	C	C	10-5.1628, 6-2.03, 6-2.08
Mortuaries	C	C	C	---	
Offices	P	P	P	P	10-5.621
Personal convenience services	P	P	P	P	
Personal improvement services	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities: Reverse vending machines Small collection facilities	P C	P C	P C	P C	10-5.1616
Restaurants: 2,000 sq. ft. or less floor area with no drive-up service more than 2,000 sq. ft. floor area or with drive-up service	P C	P C	P C	P C	
Retail sales: 30,000 sq. ft. or less floor area more than 30,000 sq. ft. floor area	P P	P P	P P	P C	10-5.621
Snack shops	P	P	P	P	

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Thrift shops	C	C	C	C	10-5.1600
Vehicle sales and services:					
Sales, leasing, and rentals	C	---	C	---	
Automobile washing	C	---	C	---	
Service stations	C	---	---	---	10-5.1602
Motor vehicle repair garages	C	---	C	---	10-5.1604
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-5.621
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-5.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-5.1624

SECTION 5. AMENDMENT OF CODE. Title 10, Chapter 5, Article 2, Section 10-5.630 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-5.630 Land use regulations: C-3, C-3A, and C-3B commercial zones, and C-3-PD pedestrian-oriented commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	---	---	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	
Animal hospitals	C	---	---	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	P C	
Bars and cocktail lounges	C	C	C	C	10-5.1600
Building material sales	C	---	---	---	
Business and trade schools	C	C	C	C	
Check-cashing businesses	C	C	C	C	10-5.1600
Commercial printing	P	---	---	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-5.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	
Fire arm sales	C	C	C	C	10-5.1600

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Food and beverage sales: 30,000 sq. ft. or less floor area more than 30,000 sq. ft. floor area	P P	P P	P C	P C	10-5.631
Hotels and motels	C	C	C	C	
Laboratories	C	---	---	---	
Liquor stores	C	C	C	C	
Maintenance and repair services	P	P	P	P	
Massage Businesses	C	C	C	C	10-5.1628, 6-2.03, 6-2.08
Mortuaries	C	---	---	---	
Offices	P	P	P	P	10-5.631
Personal convenience services	P	P	P	P	
Personal improvement services	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities: Reverse vending machines Small collection facilities	P C	P C	P C	P C	10-5.1616
Restaurants: 2,000 sq. ft. or less floor area with no drive-up service more than 2,000 sq. ft. floor area or with drive-up service	P C	P C	P C	P C	
Retail sales: 30,000 sq. ft. or less floor area more than 30,000 sq. ft. floor area	P P	P C	P C	P C	10-5.631
Snack shops	P	P	P	P	

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Thrift shops	C	C	C	C	10-5.1600
Vehicle sales and services: Sales, leasing, and rentals	C	---	---	---	10-5.1602
Automobile washing	C	---	---	---	
Service stations	C	---	---	---	
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-5.631
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-5.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-5.1624

SECTION 6. AMENDMENT OF CODE. Title 10, Chapter 5, Article 2, Section 10-5.640 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-5.640 Land use regulations: C-4 and C-4A commercial zones, and C-4B and C-4-PD pedestrian-oriented commercial zones.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-4	C-4-PD	Additional Regulations See Section:
Commercial Uses			
Ambulance services	C	---	
Animal sales and services:			
Animal feed and supplies	P	P	
Animal grooming	C	C	
Animal hospitals	C	---	
Animal sales	C	C	
Artist's studios	P	P	
Banks and savings and loans with drive-up service	P C	P C	
Bars and cocktail lounges	C	C	10-5.1600
Building material sales	C	---	
Business and trade schools	C	C	
Check-cashing businesses	C	C	10-5.1600
Commercial printing	P	---	
Commercial printing, limited	P	P	
Commercial recreation	C	C	10-5.1600
Communications facilities	C	C	
Drive-up services	C	C	
Fire arm sales	C	C	10-5.1600
Food and beverage sales:			

Use Classifications	C-4	C-4-PD	Additional Regulations See Section:
30,000 sq. ft. or less floor area	P	P	10-5.641
more than 30,000 sq. ft. floor area	P	C	
Hotels and motels	C	C	
Laboratories	C	---	
Liquor stores	C	C	
Maintenance and repair services	P	P	
Massage Businesses	C	C	10-5.1628, 6-2.03, 6-2.08
Mortuaries	C	---	
Offices	P	P	10-5.641
Personal convenience services	P	P	
Personal improvement services	C	C	
Plant nurseries	C	C	
Recycling collection facilities:			10-5.1616
Reverse vending machines	P	P	
Small collection facilities	C	C	
Restaurants:			
2,000 sq. ft. or less floor area with no drive-up service	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	
Retail sales:			
30,000 sq. ft. or less floor area	P	P	10-5.641
more than 30,000 sq. ft. floor area	P	C	
Snack shops	P	P	
Thrift shops	C	C	10-5.1600

Use Classifications	C-4	C-4-PD	Additional Regulations See Section:
Vehicle sales and services:			
Sales, leasing, and rentals	C	---	
Automobile washing	C	---	
Service stations	C	---	10-5.1602
Motor vehicle repair garages	C	---	10-5.1604
Other Uses			
Adult day care centers	C	C	
Antennae for public communications	C	C	
Child day care centers	C	C	
Churches	C	C	
Clubs and lodges	C	C	
Cultural institutions	C	C	
Government offices	P	P	10-5.641
Parking lots	C	C	
Public safety facilities	C	C	
Public utility facilities	C	C	10-5.1614
Recreation facilities	C	C	
Schools, public or private	C	C	
Senior housing	C	C	10-5.1624

SECTION 7. AMENDMENT OF CODE. Title 10, Chapter 5, Article 2, Section 10-5.710 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-5.710 Land use regulations: C-5A commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is

not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-5A	Additional Regulations See Section:
Parks, Recreation and Open Space	P	
Commercial Uses		
Ambulance services	C	
Animal sales and services:		
Animal feed and supplies	P	
Animal grooming	C	
Animal hospitals	C	
Animal sales	C	
Artist's studios	P	
Banks and savings and loans	P	
with drive-up service	C	
Bars and cocktail lounges	C	10-5.1600
Building material sales	C	
Business and trade schools	C	
Check-cashing businesses	C	10-5.1600
Commercial printing	P	
Commercial printing, limited	P	
Commercial recreation	C	10-5.1600
Communications facilities	C	
Drive-up services	C	
Fire arm sales	C	10-5.1600
Food and beverage sales	P	

Use Classifications	C-5A	Additional Regulations See Section:
Hotels and motels	C	
Laboratories	C	
Liquor stores	C	
Maintenance and repair services	P	
Marine sales and services	C	
Massage Businesses	C	10-5.1628, 6-2.03, 6-2.08
Mortuaries	C	
Offices	P	
Personal convenience services	P	
Personal improvement services	C	
Plant nurseries	C	
Recycling collection facilities:		10-5.1616
Reverse vending machines	P	
Small collection facilities	C	
Restaurants:		
2,000 sq. ft. or less floor area with no drive-up service	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	
Retail sales	P	
Snack shops	P	
Thrift shops	C	10-5.1600

Use Classifications	C-5A	Additional Regulations See Section:
Vehicle sales and services: Sales, leasing, and rentals Automobile washing Service stations Motor vehicle repair garages	C C C C	10-5.1602 10-5.711 10-5.1604
Industrial Uses		10-5.711
Manufacturing and fabrication: Custom manufacturing Electronics manufacturing Fabricating products from finished rubber Garment manufacturing Instrument manufacturing Office and related machinery Plastics fabrication Shoe manufacturing Sign manufacturing Textile manufacturing	C C C C C C C C C C	10-5.711
Laboratories	C	10-5.711
Professional offices	P	10-5.711
Computer and data processing facilities	P	

Use Classifications	C-5A	Additional Regulations See Section:
Coastal-related uses: Ships chandlers Sail manufacturing Boat fittings Marine research and labs Boat building	C C C C C	10-5.711
Construction-related uses: Building material storage yards Contractor's plants, offices, and storage yards Equipment leasing and rentals Lumber yards Stone monument works Woodworking	C C C C C C	10-5.711
Wholesaling/distribution/storage	C	10-5.711
Mini-warehousing and self-storage	C	10-5.711
Motor vehicle-related uses: Motor vehicle body and fender shops Motor vehicle repair garages Motor vehicle towing and storage	C C C	10-5.711 10-5.1606 10-5.1604
Recycling facilities: Large collection facilities Light processing facilities	C C	10-5.1616 10-5.711 10-5.711

Use Classifications	C-5A	Additional Regulations See Section:
Cultural institutions	C	
Government offices	P	
Parking lots	C	
Public safety facilities	C	
Public utility facilities	C	10-5.1614
Recreation facilities	C	
Schools, public or private	C	

SECTION 8. AMENDMENT OF CODE. Title 10, Chapter 5, Article 2, Section 10-5.810 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-5.810 Land use regulations: CC coastal commercial zones.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	CC-1	CC-2	CC-3	CC-4	CC-5	Additional Regulations See Section:
Commercial Uses						
Banks (no drive-up service)	C	C	C	C	P	10-5.811
Bars and nightclubs	C	C	C	C	C	10-5.811; 10-5.1600
Commercial recreation	C	C	C	C	C	10-5.811; 10-5.1600
Food and beverage sales	C	C	C	C	C	10-5.811
Hotels (including limited use overnight visitor accommodations)	C	C	C	C	C	10-5.811

Use Classifications	CC-1	CC-2	CC-3	CC-4	CC-5	Additional Regulations See Section:
Marinas	C	---	C	C	---	10-5.811
Marina-related facilities:						10-5.811
Boating facilities	C	---	C	C	C	
Marines sales and services	C	C	C	C	C	
Yacht and boating clubs	---	---	C	C	C	
Massage Businesses	C	C	C	C	C	10-5.1628, 6-2.03, 6-2.08
Offices	C	C	C	C	P	10-5.811
Personal convenience services	C	C	C	C	P	10-5.811
Personal improvement services	---	C	C	C	C	10-5.811
Restaurants	C	C	C	C	C	10-5.811
Recreational equipment rentals	---	C	C	C	---	10-5.811
Retail sales (any tenant space not exceeding 5,000 sq. ft. floor area)	P	P	P	P	P	10-5.811
Retail sales (any tenant space exceeding 5,000 sq. ft. floor area)	C	C	C	C	C	10-5.811
Snack shops	P	P	P	P	P	10-5.811
Other Uses						
Adult day care centers	---	C	C	C	C	10-5.811
Antennae for public communications	C	C	C	C	C	10-5.811
Child day care centers	---	C	C	C	C	10-5.811
Cultural institutions	C	C	C	C	C	10-5.811
Government offices	C	C	---	---	P	10-5.811
Parks, recreation and open space	P	P	P	P	P	10-5.811
Parking lots	---	C	C	C	C	10-5.811

Use Classifications	CC-1	CC-2	CC-3	CC-4	CC-5	Additional Regulations See Section:
Public safety facilities	C	C	C	C	C	10-5.811
Public utility facilities	C	C	C	C	C	10-5.1614
Recreation facilities	C	C	C	C	C	10-5.811
Schools, public or private	---	C	C	C	C	10-5.811

SECTION 9. AMENDMENT OF CODE. Title 10, Chapter 5, Article 2, Division 4, Section 10-5.910 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-5.910 Land use regulations: MU-2, MU-3, MU-3B, and MU-3C mixed-use zones.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	MU-2	MU-3	MU-3B MU-3C	Additional Regulations See Section:
Residential Uses				
Multi-family residential	C	C	C	10-5.911(b)
Condominiums	C	C	C	10-5.911(b)
Family day care home, small	P	P	P	
Family day care home, large	P	P	P	
Residential care, limited	P	P	P	
Commercial Uses				
Animal sales and services: Animal feed and supplies	P	P	P	

Animal grooming	C	C	C	10-5.911(a)
Animal hospitals	C	C	C	10-5.911(a)
Animal sales	C	C	C	10-5.911(a)
Artist's studios	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	10-5.911(a)
Bars and cocktail lounges	C	C	C	10-5.1600
Business and trade schools	C	C	C	
Commercial printing, limited	P	P	P	
Commercial recreation	C	C	C	10-5.1600
Communications facilities	C	C	C	
Drive-up services	C	C	C	10-5.911(a)
Food and beverage sales: 30,000 sq. ft. or less floor area more than 30,000 sq. ft. floor area	P P	P P	P C	10-5.911(c)
Hotels and motels	C	C	C	10-5.911(a)
Liquor stores	C	C	C	10-5.1600
Maintenance and repair services	P	P	P	
Massage Businesses	C	C	C	10-5.1628; 6-2.03; 6-2.08
Offices	P	P	P	10-5.911(d)
Personal convenience services	P	P	P	
Personal improvement services	C	C	C	
Plant nurseries	C	C	C	
Recycling collection facilities: Reverse vending machines Small collection facilities	P C	P C	P C	10-5.1616 10-5.911(a) 10-5.911(a)
Restaurants: 2,000 sq. ft. or less floor area with	P P	P P	P P	

no drive-up service more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	
Retail sales: 30,000 sq. ft. or less floor area more than 30,000 sq. ft. floor area	P P	P C	P C	10-5.911(c)
Use Classifications	MU-2	MU-3	MU-3B MU-3C	Additional Regulations See Section:
Snack shops	P	P	P	
Thrift shops	C	C	C	10-5.1600
Vehicle sales and services: Service stations	---	C	---	10-5.1602; 10-5.911(a)
Other Uses				
Adult day care centers	C	C	C	
Antennae for public communications	C	C	C	
Child day care centers	C	C	C	
Churches	C	C	C	
Clubs and lodges	C	C	C	
Cultural institutions	C	C	C	
Government offices	P	P	P	10-5.911(d)
Parking lots	C	C	C	
Public safety facilities	C	C	C	
Public utility facilities	C	C	C	10-5.1614

Recreation facilities	C	C	C	
Schools, public or private	C	C	C	
Senior housing	C	C	C	10-5.1624

SECTION 10. AMENDMENT OF CODE. Title 10, Chapter 5, Article 4, Chapter 5 Section 10-5.1628 is hereby added to of the Redondo Beach Municipal Code to read as follows:

10-5.1628 Message businesses

(a) **Purpose.** In order to ensure compliance with state and city requirements regarding health and safety, and maintain the compatibility of this particularly sensitive land use with surrounding land uses, the following criteria shall be met in addition to all other applicable land use and development standards in this chapter.

(b) **Criteria.**

(1) Message businesses shall comply with all provisions of Title 6, Chapter 2 of this Code.

(2) Message business owners shall obtain and maintain in compliance all permits required by the County of Los Angeles, Department of Public Health.

(3) No Message business may be operated from a location where illegal activity has occurred within three (3) years of submission of an application for a Message business at that location.

(4) Message establishment owner(s) must submit proof of a valid Business Registration Certificate or proof that consideration of such a Certificate is in process.

(5) The minimum separation between site boundaries of properties containing message businesses shall be 1,000 feet, except that this standard may be waived by the decision making body upon a finding that the addition of the message business will not contribute to or create a blighting influence in its vicinity.

(6) Alcohol shall not be sold, consumed or purchased in any Message business.

(7) Condoms shall not be sold or purchased in any Message business.

(c) **Conditional Use Permit required.**

(1) No Message businesses shall be established after the effective date of this ordinance unless a conditional use permit is obtained pursuant to Section 10-5.2506.

(2) Massage establishment violations. If a Massage Business or any Massage Business Employee is convicted of a felony or misdemeanor, or pleads no lo contendre to an infraction violation of applicable City code or state law and that violation is one that permits the business to continue operations, the Massage Business must obtain a conditional use permit to continue operating in the City.

FINALLY RESOLVED, that the Planning Commission forward a copy of this resolution to the City Council so the Council will be informed of the action of the Planning Commission.

PASSED, APPROVED AND ADOPTED this 20th day of August 2015.

Nicholas Biro, Chair
Planning Commission
City of Redondo Beach

ATTEST:

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

I, Aaron Jones, Planning Director of the City of Redondo Beach, California, do hereby certify that the foregoing Resolution No. 2015-08-PCR-012 was duly passed, approved and adopted by the Planning Commission of the City of Redondo Beach, California, at a regular meeting of said Planning Commission held on the 20th day of August, 2015 by the following roll call vote:

AYES:

NOES:

ABSENT:

Aaron Jones, Planning Director

APPROVED AS TO FORM:

City Attorney's Office

ORDINANCE NO. **-15**

AN ORDINANCE OF THE CITY COUNCIL OF REDONDO BEACH, CALIFORNIA, APPROVING A ZONING TEXT AMENDMENT TO SECTION 10-2.1628 OF THE ZONING ORDINANCE TO ADD REGULATIONS PERTAINING TO MASSAGE BUSINESSES AND MODIFY RELATED MUNICIPAL CODE SECTIONS FOR CONSISTENCY

WHEREAS, the Coastal Zoning Ordinance does not list massage businesses as permitted or conditionally permitted uses and has not imposed land use restrictions on massage businesses operating in the city; and

WHEREAS, Senate Bill 731 became effective January first, 2009 and significantly restricted City regulatory authority as it relates to massage practitioners and massage businesses. Significantly, the law shifted local regulation of massage therapy practitioners to a newly created state entity known as the California Massage Therapy Council ("CAMTC"), which extensively limited the ability of California cities to regulate massage professionals who possessed CAMATC licenses; and

WHEREAS, in 2011, Assembly Bill 619 and, in 2012, Senate Bill 1238 further limited City's authority to regulate massage businesses; and

WHEREAS, the result of these state law changes was a proliferation of massage establishments throughout California, many of which were believed to be performing various illegal activities including prostitution and human trafficking; and

WHEREAS, California Assembly Bill 1147 ("AB 1147") which became effective January first of this year restored local authority to impose land use restrictions on massage businesses even if the same requirements do not apply to other professional service providers; and

WHEREAS, the state law changes from 2009 until the passage of AB 1147 resulted in a significant increase in the number of massage establishments in the City; and

WHEREAS, protection of public health, safety and welfare of residents is of paramount concern to the City; and

WHEREAS, it is the desire of the City to enact reasonable regulation of the time, place and manner in which these businesses may operate; and

WHEREAS, in furtherance of this goal the City has enacted in the Zoning Ordinance: a Conditional Use Permit requirement as well as a spacing requirement of one thousand (1,000) feet on all new massage businesses in the City as well as other operational restrictions; and

WHEREAS, in conjunction with the provisions of Title 6, Chapter 2 of the Redondo Beach Municipal Code the regulation of massage businesses in the City shall be improved.

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

SECTION 1. FINDINGS.

- A. The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment. The Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act pursuant to Section 15061(b) (3) of Title 14 of the California Code of Regulations.
- B. The amendments to the Zoning Ordinance are consistent with the General Plan.
- C. The proposed amendments will not have a significant effect on the environment and will have no impact on Fish and Game resources pursuant to Section 21089(b) of the Public Resources Code.
- D. These amendments do not require a vote of the people under Article XXVII of the City Charter.

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. AMENDMENT OF CODE. The following definitions are hereby added to Title 10, Chapter 2 Article 1, Section 10-2.402 of the Redondo Beach Municipal Code and such section is hereby renumbered as necessary to allow for these insertions:

“Certified massage sole proprietorship” means any massage business where the owner is the only person employed or used by that business to provide massage services and the owner has a current and valid State certification and City registration certificate.

“Massage” means any method of treating the external parts of the body for remedial, health, hygienic, or relaxation purposes for any form of compensation. “Massage” includes, but is not limited to, treatment by means of pressure or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating, with or without the aid of or by means of any mechanical, electronic or electrical apparatus or appliance or with or without application of rubbing alcohol, liniments, aromatics, antiseptics, oils, powders, creams, lotions, ointments or other similar preparations commonly used in this practice. “Massage” shall not mean those ancillary services described in section 6-2.07 of this Code.

“Massage business” or **“Massage establishment”** means a business or establishment, including a sole proprietor or independent contractor, that offers massage therapy within the City, whether at a fixed place of business or at a location designated by the patron.

“Massage business owner” or **“Massage business operator”** means any and all owners of a massage business including any of the following persons: the managing responsible officer/employee, a general partner, a limited partner, a shareholder, a sole proprietor, or any person who has a five (5) percent or greater ownership interest in a massage business whether as an individual, corporate entity, limited partner, shareholder or sole proprietor.

“Massage business employee” or **“Massage establishment employee”** for the purposes of this chapter means all persons conducting business at a Massage Business as described in this Code.

“State Certification” or **“State Certificate”** means a valid and current certification properly issued by the CAMTC pursuant to California Business and Professions Code Section 4600, *et seq.*

“Registration Certificate – Business” or **“Business Registration Certificate”** means a certification issued by the Permit Administrator upon submission of satisfactory evidence as required that a massage business or sole proprietorship employs or uses only certified massage therapists or practitioners possessing valid and current State Certifications and has satisfied all other requirements pursuant to the provisions of this Chapter.

SECTION 4. AMENDMENT OF CODE. Title 10 Chapter 2, Article 2, Section 10-2.610 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-2.610 Land use regulations: C-1 commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-2.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-1	Additional Regulations See Section:
Commercial Uses		

Use Classifications	C-1	Additional Regulations See Section:
Animal sales and services: Animal feed and supplies Animal grooming Animal sales	P C C	
Artist's studios	P	
Banks and savings and loans with drive-up service	P C	
Bars and cocktail lounges	C	10-2.1600
Commercial printing Commercial printing, limited	C P	
Drive-up services	C	
Food and beverage sales	P	
Liquor stores	C	10-2.1600
Maintenance and repair services	P	
Massage Businesses	C	10-2.1628, 6-2.03, 6-2.08
Offices	P	
Personal convenience services	P	
Personal improvement services	C	
Plant nurseries	C	
Recycling collection facilities: Reverse vending machines Small collection facilities	P C	10-2.1616
Restaurants: 2,000 sq. ft. or less floor area with no drive-up service more than 2,000 sq. ft. floor area or with	P C	

Use Classifications	C-1	Additional Regulations See Section:
drive-up service		
Retail sales	P	
Snack shops	P	
Vehicle sales and services:		
Service stations	C	10-2.1602
Motor vehicle repair garages	C	10-2.611; 10-2.1604
Other Uses		
Adult day care centers	C	
Antennae for public communications	C	
Child day care centers	C	
Churches	C	
Clubs and lodges	C	
Cultural institutions	C	
Government offices	P	
Parking lots	C	
Public safety facilities	C	
Public utility facilities	C	10-2.1614
Recreation facilities	C	
Schools, public or private	C	

SECTION 5. AMENDMENT OF CODE. Title 10, Chapter 2, Article 2, Section 10-2.620 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-2.620 Land use regulations: C-2, C-2A, and C-2B commercial zones, and C-2-PD pedestrian-oriented commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-2.2506. Where there is

neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	C	C	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	
Animal hospitals	C	C	C	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	P C	
Bars and cocktail lounges	C	C	C	C	10-2.1600
Building material sales	C	C	C	---	
Business and trade schools	C	C	C	C	
Check-cashing businesses	C	C	C	C	10-2.1600
Commercial printing	P	P	P	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-2.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	
Fire arm sales	C	C	C	C	10-2.1600
Food and beverage sales:					
30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	P	P	C	10-2.621

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Hotels and motels	C	C	C	C	
Laboratories	C	C	C	---	
Liquor stores	C	C	C	C	10-2.1600
Maintenance and repair services	P	P	P	P	
Massage Businesses	C	C	C	C	10-2.1628, 6-2.03, 6-2.08
Mortuaries	C	C	C	---	
Offices	P	P	P	P	10-2.621
Personal convenience services	P	P	P	P	
Personal improvement services	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities:					10-2.1616
Reverse vending machines	P	P	P	P	
Small collection facilities	C	C	C	C	
Restaurants:					
2,000 sq. ft. or less floor area with no drive-up service	P	P	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	C	
Retail sales:					
30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	P	P	C	10-2.621
Snack shops	P	P	P	P	
Thrift shops	C	C	C	C	10-2.1600
Vehicle sales and services:					
Sales, leasing, and rentals	C	---	C	---	

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Automobile washing	C	---	C	---	
Service stations	C	---	---	---	10-2.1602
Motor vehicle repair garages	C	---	C	---	10-2.1604
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-2.621
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-2.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-2.1624

SECTION 6. AMENDMENT OF CODE. Title 10 Chapter 2, Article 2, Section 10-2.630 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-2.630 Land use regulations: C-3, C-3A, and C-3B commercial zones, and C-3-PD pedestrian-oriented commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-2.2506. Where there is

neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	---	---	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	
Animal hospitals	C	---	---	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	P C	
Bars and cocktail lounges	C	C	C	C	10-2.1600
Building material sales	C	---	---	---	
Business and trade schools	C	C	C	C	
Check-cashing businesses	C	C	C	C	10-2.1600
Commercial printing	P	---	---	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-2.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	
Fire arm sales	C	C	C	C	10-2.1600
Food and beverage sales:					
30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	P	C	C	10-2.631

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Hotels and motels	C	C	C	C	
Laboratories	C	---	---	---	
Liquor stores	C	C	C	C	
Maintenance and repair services	P	P	P	P	
Massage Businesses	C	C	C	C	10-2.1628, 6-2.03, 6-2.08
Mortuaries	C	---	---	---	
Offices	P	P	P	P	10-2.631
Personal convenience services	P	P	P	P	
Personal improvement services	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities:					10-2.1616
Reverse vending machines	P	P	P	P	
Small collection facilities	C	C	C	C	
Restaurants:					
2,000 sq. ft. or less floor area with no drive-up service	P	P	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	C	
Retail sales:					
30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	C	C	C	10-2.631
Snack shops	P	P	P	P	
Thrift shops	C	C	C	C	10-2.1600
Vehicle sales and services:					
Sales, leasing, and rentals	C	---	---	---	

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Automobile washing	C	---	---	---	10-2.1602 10-2.1604
Service stations	C	---	---	---	
Motor vehicle repair garages	C	---	---	---	
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-2.631
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-2.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-2.1624

SECTION 7. AMENDMENT OF CODE. Section 10-2.640 Title 10, Chapter 2, Article 2, Division 4 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-2.640 Land use regulations: C-4, C-4A, and C-4B commercial zones, and C-4-PD pedestrian-oriented commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-2.2506, and the letter “A”

designates use classification permitted subject to approval of an Administrative Use Permit, as provided in Section 10-2.2507. Where there is neither a “P”, a “C” nor an “A” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-4	C-4A	C-4B	C-4-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	C	---	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	
Animal hospitals	C	C	---	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	P C	
Bars and cocktail lounges	C	C	C	C	10-2.1600
Building material sales	C	C	---	---	
Business and trade schools	C	C	C	C	
Check-cashing businesses	C	C	C	C	10-2.1600
Commercial printing	P	P	---	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-2.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	
Fire arm sales	C	C	C	C	10-2.1600
Food and beverage sales:					

Use Classifications	C-4	C-4A	C-4B	C-4-PD	Additional Regulations See Section:
30,000 sq. ft. or less floor area	P	P	P	P	10-2.641
more than 30,000 sq. ft. floor area	P	P	C	C	
Hotels and motels	C	C	C	C	
Laboratories	C	C	---	---	
Liquor stores	C	C	C	C	
Maintenance and repair services	P	P	P	P	
Massage Businesses	C	C	C	C	10-2.1628, 6-2.03, 6-2.08
Mortuaries	C	C	---	---	
Offices	P	P	P	P	10-2.641
Personal convenience services	P	P	P	P	
Personal improvement services: 1,000 sq. ft. of less floor area with no drive-up service	P	P	P	P	Except Music Studios 2,000 sq. ft. or less floor area require an AUP 10-2.2507
1,001 – 2,000 sq. ft. floor area	A	A	A	A	
2,001 sq. ft. or greater floor area	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities: Reverse vending machines	P	P	P	P	10-2.1616
Small collection facilities	C	C	C	C	
Restaurants: 2,000 sq. ft. or less floor area with no drive-up service	P	P	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	C	
Retail sales:					

Use Classifications	C-4	C-4A	C-4B	C-4-PD	Additional Regulations See Section:
30,000 sq. ft. or less floor area	P	P	P	P	10-2.641
more than 30,000 sq. ft. floor area	P	C	C	C	
Snack shops	P	P	P	P	
Thrift shops	C	C	C	C	10-2.1600
Vehicle sales and services:					
Sales, leasing, and rentals	C	C	---	---	10-2.1602
Automobile washing	C	C	---	---	
Service stations	C	C	---	---	
Motor vehicle repair garages	C	C	---	---	10-2.1604
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-2.641
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-2.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-2.1624

SECTION 8. AMENDMENT OF CODE. Title 10, Chapter 2, Article 2, Division 7, Section 10-2.910 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-2.910 Land use regulations: MU-2, MU-3, MU-3B, and MU-3C mixed-use zones.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-2.2506, and the letter “A” designates use classifications permitted subject to approval of an Administrative Use Permit, as provided in Section 10-2.2507. Where there is neither a “P”, a “C” nor an “A” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	MU-1	MU-3	MU-3A MU-3B MU-3C	CR	Additional Regulations See Section:
Residential Uses					
Multi-family residential	C	C	C	C	10-2.911(b)
Condominiums	C	C	C	C	10-2.911(b)
Family day care home, small	P	P	P	P	
Family day care home, large	P	P	P	P	
Residential care, limited	P	P	P	P	
Commercial Uses					
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	10-2.911(a)
Animal hospitals	C	C	C	C	10-2.911(a)
Animal sales	C	C	C	C	10-2.911(a)
Artist's studios	P	P	P	P	
Banks and savings and loans	P	P	P	P	
with drive-up service	C	C	C	C	10-2.911(a)
Bars and cocktail lounges	C	C	C	C	10-2.1600

Use Classifications	MU-1	MU-3	MU-3A MU-3B MU-3C	CR	Additional Regulations See Section:
Business and trade schools	C	C	C	C	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-2.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	10-2.911(a)
Food and beverage sales: 30,000 sq. ft. or less floor area more than 30,000 sq. ft. floor area	P C	P C	P C	P C	10-2.911(c)
Hotels	C	C	C	C	
Liquor stores	C	C	C	C	10-2.1600
Maintenance and repair services	P	P	P	P	
Massage Businesses	C	C	C	C	10-2.1628, 6-2.03, 6-2.08
Offices	P	P	P	P	10-2.911(d)
Personal convenience services	P	P	P	P	
Personal improvement services: 1,000 sq. ft. of less floor area with no drive-up service 1,001 – 2,000 sq. ft. floor area 2,001 sq. ft. or great floor area	C A C	C A C	C A C	C A C	Except must studios 2,000 sq. ft. or less floor area require an AUP 10-2.2507
Plant nurseries	C	C	C	C	
Recycling collection facilities: Reverse vending machines Small collection facilities	P C	P C	P C	P C	10-2.1616 10-2.911(a) 10-2.911(a)
Restaurants:					

Use Classifications	MU-1	MU-3	MU-3A MU-3B MU-3C	CR	Additional Regulations See Section:
2,000 sq. ft. or less floor area with no drive-up service	P	P	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	C	
Retail sales: 30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	C	C	C	C	10-2.911(c)
Snack shops	P	P	P	P	
Thrift shops	C	C	C	C	10-2.1600
Vehicle sales and services: Service stations	---	C	---	---	10-2.911(a); 10- 2.1602
Car wash	---	C (Not MU- 3C)	---	---	
		C C			
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-2.911(d)

Use Classifications	MU-1	MU-3	MU-3A MU-3B MU-3C	CR	Additional Regulations See Section:
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-2.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-2.1624

SECTION 9. AMENDMENT OF CODE. Title 10, Chapter 2, Article 4, of the Redondo Beach Municipal Code is hereby amended to add Section 10-2.1628 to read as follows:

10-2.1628 Message businesses

(a) **Purpose.** In order to ensure compliance with state and city requirements regarding health and safety, and maintain the compatibility of this particularly sensitive land use with surrounding land uses, the following criteria shall be met in addition to all other applicable land use and development standards in this chapter.

(b) **Criteria.**

(1) Message businesses shall comply with all provisions of Title 6, Chapter 2 of this Code.

(2) Message business owners shall obtain and maintain in compliance all permits required by the County of Los Angeles, Department of Public Health.

(3) No Message business may be operated from a location where illegal activity has occurred within three (3) years of submission of an application for a Message business at that location.

(4) Message establishment owner(s) must submit proof of a valid Business Registration Certificate or proof that consideration of such a Certificate is in process.

(5) The minimum separation between site boundaries of properties containing message businesses shall be 1,000 feet, except that this standard may be waived by the decision making body upon a finding that the addition of the message business will not contribute to or create a blighting influence in its vicinity.

(6) Alcohol shall not be sold, consumed or purchased in any Massage business.

(7) Condoms shall not be sold or purchased in any Massage business.

(c) **Conditional Use Permit required.**

(1) No Massage businesses shall be established after the effective date of this ordinance unless a conditional use permit is obtained pursuant to Section 10-2.2506.

(2) Massage establishment violations. If a Massage Business or any Massage Business Employee is convicted of a felony or misdemeanor, or pleads nolo contendere to an infraction violation of applicable City code or state law and that violation is one that permits the business to continue operations, the Massage Business must obtain a conditional use permit to continue operating in the City.

SECTION 10. 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 11. SEVERANCE. 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 12. PUBLICATION AND EFFECTIVE DATE. This ordinance shall be published by one insertion in The Beach Reporter, 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.

ORDINANCE NO. **-15**

AN ORDINANCE OF THE CITY COUNCIL OF REDONDO BEACH, CALIFORNIA, APPROVING A ZONING TEXT AMENDMENT TO SECTION 10-5.1628 OF THE COASTAL ZONING ORDINANCE TO ADD REGULATIONS PERTAINING TO MASSAGE BUSINESSES AND MODIFY RELATED MUNICIPAL CODE SECTIONS FOR CONSISTENCY

WHEREAS, the Coastal Zoning Ordinance does not list massage businesses as permitted or conditionally permitted uses and has not imposed land use restrictions on massage businesses operating in the city; and

WHEREAS, Senate Bill 731 became effective January first, 2009 and significantly restricted City regulatory authority as it relates to massage practitioners and massage businesses. Significantly, the law shifted local regulation of massage therapy practitioners to a newly created state entity known as the California Massage Therapy Council ("CAMTC"), which extensively limited the ability of California cities to regulate massage professionals who possessed CAMATC licenses; and

WHEREAS, in 2011, Assembly Bill 619 and, in 2012, Senate Bill 1238 further limited City's authority to regulate massage businesses; and

WHEREAS, the result of these state law changes was a proliferation of massage establishments throughout California, many of which were believed to be performing various illegal activities including prostitution and human trafficking; and

WHEREAS, California Assembly Bill 1147 ("AB 1147") which became effective January first of this year restored local authority to impose land use restrictions on massage businesses even if the same requirements do not apply to other professional service providers; and

WHEREAS, the state law changes from 2009 until the passage of AB 1147 resulted in a significant increase in the number of massage establishments in the City; and

WHEREAS, protection of public health, safety and welfare of residents is of paramount concern to the City; and

WHEREAS, it is the desire of the City to enact reasonable regulation of the time, place and manner in which these businesses may operate; and

WHEREAS, in furtherance of this goal the City has enacted in the Coastal Zoning Ordinance: a Conditional Use Permit requirement as well as a spacing requirement of one thousand (1,000) feet on all new massage businesses in the City as well as other operational restrictions; and

WHEREAS, in conjunction with the provisions of Title 6, Chapter 2 of the Redondo Beach Municipal Code the regulation of massage businesses in the City shall be improved.

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

SECTION 1. FINDINGS.

- A. The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment. The Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act pursuant to Section 15061(b) (3) of Title 14 of the California Code of Regulations.
- B. The amendments to the Coastal Zoning Ordinance are consistent with the General Plan.
- C. The proposed amendments will not have a significant effect on the environment and will have no impact on Fish and Game resources pursuant to Section 21089(b) of the Public Resources Code.
- D. These amendments do not require a vote of the people under Article XXVII of the City Charter.

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. AMENDMENT OF CODE. The following definitions are hereby added to Title 10, Chapter 5, Article 1, Section 10-5.402 of the Redondo Beach Municipal Code and such section is hereby renumbered as necessary to allow for these insertions:

“Certified massage sole proprietorship” means any massage business where the owner is the only person employed or used by that business to provide massage services and the owner has a current and valid State certification and City registration certificate.

“Massage” means any method of treating the external parts of the body for remedial, health, hygienic, or relaxation purposes for any form of compensation. “Massage” includes, but is not limited to, treatment by means of pressure or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating, with or without the aid of or by means of any mechanical, electronic or electrical apparatus or appliance or with or without application of rubbing alcohol, liniments, aromatics, antiseptics, oils, powders, creams, lotions, ointments or other similar preparations commonly used in this practice. “Massage” shall not mean those ancillary services described in section 6-2.07 of this Code.

“Massage Business” or **“Massage Establishment”** means a business or establishment, including a sole proprietor or independent contractor, that offers massage therapy within the City, whether at a fixed place of business or at a location designated by the patron.

“Massage Business Owner” or **“Massage Business Operator”** means any and all owners of a massage business including any of the following persons: the managing responsible officer/employee, a general partner, a limited partner, a shareholder, a sole proprietor, or any person who has a five (5) percent or greater ownership interest in a massage business whether as an individual, corporate entity, limited partner, shareholder or sole proprietor.

“Massage Business Employee” or **“Massage Establishment Employee”** means all persons conducting business at a Massage Business as described in this Code.

“State Certification” or **“State Certificate”** means a valid and current certification properly issued by the CAMTC pursuant to California Business and Professions Code Section 4600, *et seq.*

“Registration Certificate – Business” or **“Business Registration Certificate”** means a certification issued by the Permit Administrator upon submission of satisfactory evidence as required that a massage business or sole proprietorship employs or uses only certified massage therapists or practitioners possessing valid and current State Certifications and has satisfied all other requirements pursuant to the provisions of this Chapter.

SECTION 4. AMENDMENT OF CODE. Title 10, Chapter 5, Article 2, Section 10-5.620 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-5.620 Land use regulations: C-2, C-2A, and C-2B commercial zones, and C-2-PD pedestrian-oriented commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	C	C	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	
Animal hospitals	C	C	C	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	P C	
Bars and cocktail lounges	C	C	C	C	10-5.1600
Building material sales	C	C	C	---	
Business and trade schools	C	C	C	C	
Check-cashing businesses	C	C	C	C	10-5.1600
Commercial printing	P	P	P	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-5.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	
Fire arm sales	C	C	C	C	10-5.1600
Food and beverage sales:					
30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	P	P	C	10-5.621
Hotels and motels	C	C	C	C	
Laboratories	C	C	C	---	

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Liquor stores	C	C	C	C	10-5.1600
Maintenance and repair services	P	P	P	P	
Massage Businesses	C	C	C	C	10-5.1628, 6-2.03, 6-2.08
Mortuaries	C	C	C	---	
Offices	P	P	P	P	10-5.621
Personal convenience services	P	P	P	P	
Personal improvement services	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities:					10-5.1616
Reverse vending machines	P	P	P	P	
Small collection facilities	C	C	C	C	
Restaurants:					
2,000 sq. ft. or less floor area with no drive-up service	P	P	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	C	
Retail sales:					
30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	P	P	C	10-5.621
Snack shops	P	P	P	P	
Thrift shops	C	C	C	C	10-5.1600
Vehicle sales and services:					
Sales, leasing, and rentals	C	---	C	---	
Automobile washing	C	---	C	---	
Service stations	C	---	---	---	10-5.1602

Use Classifications	C-2	C-2A	C-2B	C-2-PD	Additional Regulations See Section:
Motor vehicle repair garages	C	---	C	---	10-5.1604
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-5.621
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-5.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-5.1624

SECTION 5. AMENDMENT OF CODE. Title 10, Chapter 5, Article 2, Section 10-5.630 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-5.630 Land use regulations: C-3, C-3A, and C-3B commercial zones, and C-3-PD pedestrian-oriented commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is

not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Commercial Uses					
Ambulance services	C	---	---	---	
Animal sales and services:					
Animal feed and supplies	P	P	P	P	
Animal grooming	C	C	C	C	
Animal hospitals	C	---	---	---	
Animal sales	C	C	C	C	
Artist's studios	P	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	P C	
Bars and cocktail lounges	C	C	C	C	10-5.1600
Building material sales	C	---	---	---	
Business and trade schools	C	C	C	C	
Check-cashing businesses	C	C	C	C	10-5.1600
Commercial printing	P	---	---	---	
Commercial printing, limited	P	P	P	P	
Commercial recreation	C	C	C	C	10-5.1600
Communications facilities	C	C	C	C	
Drive-up services	C	C	C	C	
Fire arm sales	C	C	C	C	10-5.1600
Food and beverage sales:					
30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	P	C	C	10-5.631
Hotels and motels	C	C	C	C	

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Laboratories	C	---	---	---	
Liquor stores	C	C	C	C	
Maintenance and repair services	P	P	P	P	
Massage Businesses	C	C	C	C	10-5.1628, 6-2.03, 6-2.08
Mortuaries	C	---	---	---	
Offices	P	P	P	P	10-5.631
Personal convenience services	P	P	P	P	
Personal improvement services	C	C	C	C	
Plant nurseries	C	C	C	C	
Recycling collection facilities:					10-5.1616
Reverse vending machines	P	P	P	P	
Small collection facilities	C	C	C	C	
Restaurants:					
2,000 sq. ft. or less floor area with no drive-up service	P	P	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	C	
Retail sales:					
30,000 sq. ft. or less floor area	P	P	P	P	
more than 30,000 sq. ft. floor area	P	C	C	C	10-5.631
Snack shops	P	P	P	P	
Thrift shops	C	C	C	C	10-5.1600
Vehicle sales and services:					
Sales, leasing, and rentals	C	---	---	---	
Automobile washing	C	---	---	---	

Use Classifications	C-3	C-3A	C-3B	C-3-PD	Additional Regulations See Section:
Service stations	C	---	---	---	10-5.1602
Other Uses					
Adult day care centers	C	C	C	C	
Antennae for public communications	C	C	C	C	
Child day care centers	C	C	C	C	
Churches	C	C	C	C	
Clubs and lodges	C	C	C	C	
Cultural institutions	C	C	C	C	
Government offices	P	P	P	P	10-5.631
Parking lots	C	C	C	C	
Public safety facilities	C	C	C	C	
Public utility facilities	C	C	C	C	10-5.1614
Recreation facilities	C	C	C	C	
Schools, public or private	C	C	C	C	
Senior housing	C	C	C	C	10-5.1624

SECTION 6. AMENDMENT OF CODE. Title 10, Chapter 5, Article 2, Section 10-5.640 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-5.640 Land use regulations: C-4 and C-4A commercial zones, and C-4B and C-4-PD pedestrian-oriented commercial zones.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is

not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-4	C-4-PD	Additional Regulations See Section:
Commercial Uses			
Ambulance services	C	---	
Animal sales and services:			
Animal feed and supplies	P	P	
Animal grooming	C	C	
Animal hospitals	C	---	
Animal sales	C	C	
Artist's studios	P	P	
Banks and savings and loans with drive-up service	P C	P C	
Bars and cocktail lounges	C	C	10-5.1600
Building material sales	C	---	
Business and trade schools	C	C	
Check-cashing businesses	C	C	10-5.1600
Commercial printing	P	---	
Commercial printing, limited	P	P	
Commercial recreation	C	C	10-5.1600
Communications facilities	C	C	
Drive-up services	C	C	
Fire arm sales	C	C	10-5.1600
Food and beverage sales:			
30,000 sq. ft. or less floor area	P	P	
more than 30,000 sq. ft. floor area	P	C	10-5.641
Hotels and motels	C	C	

Use Classifications	C-4	C-4-PD	Additional Regulations See Section:
Laboratories	C	---	
Liquor stores	C	C	
Maintenance and repair services	P	P	
Massage Businesses	C	C	10-5.1628, 6-2.03, 6-2.08
Mortuaries	C	---	
Offices	P	P	10-5.641
Personal convenience services	P	P	
Personal improvement services	C	C	
Plant nurseries	C	C	
Recycling collection facilities:			10-5.1616
Reverse vending machines	P	P	
Small collection facilities	C	C	
Restaurants:			
2,000 sq. ft. or less floor area with no drive-up service	P	P	
more than 2,000 sq. ft. floor area or with drive-up service	C	C	
Retail sales:			
30,000 sq. ft. or less floor area	P	P	
more than 30,000 sq. ft. floor area	P	C	10-5.641
Snack shops	P	P	
Thrift shops	C	C	10-5.1600
Vehicle sales and services:			
Sales, leasing, and rentals	C	---	
Automobile washing	C	---	

Use Classifications	C-4	C-4-PD	Additional Regulations See Section:
Service stations	C	---	10-5.1602
Motor vehicle repair garages	C	---	10-5.1604
Other Uses			
Adult day care centers	C	C	
Antennae for public communications	C	C	
Child day care centers	C	C	
Churches	C	C	
Clubs and lodges	C	C	
Cultural institutions	C	C	
Government offices	P	P	10-5.641
Parking lots	C	C	
Public safety facilities	C	C	
Public utility facilities	C	C	10-5.1614
Recreation facilities	C	C	
Schools, public or private	C	C	
Senior housing	C	C	10-5.1624

SECTION 7. AMENDMENT OF CODE. Title 10, Chapter 5, Article 2, Section 10-5.710 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-5.710 Land use regulations: C-5A commercial zone.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	C-5A	Additional Regulations See Section:
Parks, Recreation and Open Space	P	
Commercial Uses		
Ambulance services	C	
Animal sales and services: Animal feed and supplies Animal grooming Animal hospitals Animal sales	P C C C	
Artist's studios	P	
Banks and savings and loans with drive-up service	P C	
Bars and cocktail lounges	C	10-5.1600
Building material sales	C	
Business and trade schools	C	
Check-cashing businesses	C	10-5.1600
Commercial printing Commercial printing, limited	P P	
Commercial recreation	C	10-5.1600
Communications facilities	C	
Drive-up services	C	
Fire arm sales	C	10-5.1600
Food and beverage sales	P	
Hotels and motels	C	
Laboratories	C	
Liquor stores	C	

Use Classifications	C-5A	Additional Regulations See Section:
Maintenance and repair services	P	
Marine sales and services	C	
Massage Businesses	C	10-5.1628, 6-2.03, 6-2.08
Mortuaries	C	
Offices	P	
Personal convenience services	P	
Personal improvement services	C	
Plant nurseries	C	
Recycling collection facilities: Reverse vending machines Small collection facilities	P C	10-5.1616
Restaurants: 2,000 sq. ft. or less floor area with no drive-up service more than 2,000 sq. ft. floor area or with drive-up service	P C	
Retail sales	P	
Snack shops	P	
Thrift shops	C	10-5.1600
Vehicle sales and services: Sales, leasing, and rentals Automobile washing Service stations Motor vehicle repair garages	C C C C	10-5.1602 10-5.711 10-5.1604

Use Classifications	C-5A	Additional Regulations See Section:
Industrial Uses		10-5.711
Manufacturing and fabrication: Custom manufacturing Electronics manufacturing Fabricating products from finished rubber Garment manufacturing Instrument manufacturing Office and related machinery Plastics fabrication Shoe manufacturing Sign manufacturing Textile manufacturing	 C C C C C C C C C C	 10-5.711
Laboratories	C	10-5.711
Professional offices	P	10-5.711
Computer and data processing facilities	P	
Coastal-related uses: Ships chandlers Sail manufacturing Boat fittings Marine research and labs Boat building	 C C C C C	 10-5.711

Use Classifications	C-5A	Additional Regulations See Section:
Construction-related uses: Building material storage yards Contractor's plants, offices, and storage yards Equipment leasing and rentals Lumber yards Stone monument works Woodworking	C C C C C C	10-5.711
Wholesaling/distribution/storage	C	10-5.711
Mini-warehousing and self-storage	C	10-5.711
Motor vehicle-related uses: Motor vehicle body and fender shops Motor vehicle repair garages Motor vehicle towing and storage	C C C	10-5.711 10-5.1606 10-5.1604
Recycling facilities: Large collection facilities Light processing facilities	C C	10-5.1616 10-5.711 10-5.711

Use Classifications	C-5A	Additional Regulations See Section:
Cultural institutions	C	
Government offices	P	
Parking lots	C	
Public safety facilities	C	
Public utility facilities	C	10-5.1614
Recreation facilities	C	
Schools, public or private	C	

SECTION 8. AMENDMENT OF CODE. Title 10, Chapter 5, Article 2, Section 10-5.810 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-5.810 Land use regulations: CC coastal commercial zones.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	CC-1	CC-2	CC-3	CC-4	CC-5	Additional Regulations See Section:
Commercial Uses						
Banks (no drive-up service)	C	C	C	C	P	10-5.811
Bars and nightclubs	C	C	C	C	C	10-5.811; 10-5.1600
Commercial recreation	C	C	C	C	C	10-5.811; 10-5.1600
Food and beverage sales	C	C	C	C	C	10-5.811
Hotels (including limited use overnight visitor accommodations)	C	C	C	C	C	10-5.811

Use Classifications	CC-1	CC-2	CC-3	CC-4	CC-5	Additional Regulations See Section:
Marinas	C	---	C	C	---	10-5.811
Marina-related facilities:						10-5.811
Boating facilities	C	---	C	C	C	
Marines sales and services	C	C	C	C	C	
Yacht and boating clubs	---	---	C	C	C	
Massage Businesses	C	C	C	C	C	10-5.1628, 6-2.03, 6-2.08
Offices	C	C	C	C	P	10-5.811
Personal convenience services	C	C	C	C	P	10-5.811
Personal improvement services	---	C	C	C	C	10-5.811
Restaurants	C	C	C	C	C	10-5.811
Recreational equipment rentals	---	C	C	C	---	10-5.811
Retail sales (any tenant space not exceeding 5,000 sq. ft. floor area)	P	P	P	P	P	10-5.811
Retail sales (any tenant space exceeding 5,000 sq. ft. floor area)	C	C	C	C	C	10-5.811
Snack shops	P	P	P	P	P	10-5.811
Other Uses						
Adult day care centers	---	C	C	C	C	10-5.811
Antennae for public communications	C	C	C	C	C	10-5.811
Child day care centers	---	C	C	C	C	10-5.811
Cultural institutions	C	C	C	C	C	10-5.811
Government offices	C	C	---	---	P	10-5.811
Parks, recreation and open space	P	P	P	P	P	10-5.811
Parking lots	---	C	C	C	C	10-5.811

Use Classifications	CC-1	CC-2	CC-3	CC-4	CC-5	Additional Regulations See Section:
Public safety facilities	C	C	C	C	C	10-5.811
Public utility facilities	C	C	C	C	C	10-5.1614
Recreation facilities	C	C	C	C	C	10-5.811
Schools, public or private	---	C	C	C	C	10-5.811

SECTION 9. AMENDMENT OF CODE. Title 10, Chapter 5, Article 2, Division 4, Section 10-5.910 of the Redondo Beach Municipal Code is hereby amended to read as follows:

10-5.910 Land use regulations: MU-2, MU-3, MU-3B, and MU-3C mixed-use zones.

In the following schedule the letter “P” designates use classifications permitted in the specified zone and the letter “C” designates use classifications permitted subject to approval of a Conditional Use Permit, as provided in Section 10-5.2506. Where there is neither a “P” nor a “C” indicated under a specified zone, or where a use classification is not listed, that classification is not permitted. The “Additional Regulations” column references regulations located elsewhere in the Municipal Code.

Use Classifications	MU-2	MU-3	MU-3B MU-3C	Additional Regulations See Section:
Residential Uses				
Multi-family residential	C	C	C	10-5.911(b)
Condominiums	C	C	C	10-5.911(b)
Family day care home, small	P	P	P	
Family day care home, large	P	P	P	
Residential care, limited	P	P	P	
Commercial Uses				
Animal sales and services: Animal feed and supplies	P	P	P	

Animal grooming	C	C	C	10-5.911(a)
Animal hospitals	C	C	C	10-5.911(a)
Animal sales	C	C	C	10-5.911(a)
Artist's studios	P	P	P	
Banks and savings and loans with drive-up service	P C	P C	P C	10-5.911(a)
Bars and cocktail lounges	C	C	C	10-5.1600
Business and trade schools	C	C	C	
Commercial printing, limited	P	P	P	
Commercial recreation	C	C	C	10-5.1600
Communications facilities	C	C	C	
Drive-up services	C	C	C	10-5.911(a)
Food and beverage sales: 30,000 sq. ft. or less floor area more than 30,000 sq. ft. floor area	P P	P P	P C	10-5.911(c)
Hotels and motels	C	C	C	10-5.911(a)
Liquor stores	C	C	C	10-5.1600
Maintenance and repair services	P	P	P	
Massage Businesses	C	C	C	10-5.1628; 6-2.03; 6-2.08
Offices	P	P	P	10-5.911(d)
Personal convenience services	P	P	P	
Personal improvement services	C	C	C	
Plant nurseries	C	C	C	
Recycling collection facilities: Reverse vending machines Small collection facilities	P C	P C	P C	10-5.1616 10-5.911(a) 10-5.911(a)
Restaurants: 2,000 sq. ft. or less floor area with	P P	P P	P P	

no drive-up service more than 2,000 sq. ft. floor area or with drive-up service	C	C	C	
Retail sales: 30,000 sq. ft. or less floor area more than 30,000 sq. ft. floor area	P P	P C	P C	10-5.911(c)
Use Classifications	MU-2	MU-3	MU-3B MU-3C	Additional Regulations See Section:
Snack shops	P	P	P	
Thrift shops	C	C	C	10-5.1600
Vehicle sales and services: Service stations	---	C	---	10-5.1602; 10-5.911(a)
Other Uses				
Adult day care centers	C	C	C	
Antennae for public communications	C	C	C	
Child day care centers	C	C	C	
Churches	C	C	C	
Clubs and lodges	C	C	C	
Cultural institutions	C	C	C	
Government offices	P	P	P	10-5.911(d)
Parking lots	C	C	C	
Public safety facilities	C	C	C	
Public utility facilities	C	C	C	10-5.1614

Recreation facilities	C	C	C	
Schools, public or private	C	C	C	
Senior housing	C	C	C	10-5.1624

SECTION 10. AMENDMENT OF CODE. Title 10, Chapter 5, Article 4, Chapter 5 Section 10-5.1628 is hereby added to of the Redondo Beach Municipal Code to read as follows:

10-5.1628 Message businesses

(a) **Purpose.** In order to ensure compliance with state and city requirements regarding health and safety, and maintain the compatibility of this particularly sensitive land use with surrounding land uses, the following criteria shall be met in addition to all other applicable land use and development standards in this chapter.

(b) **Criteria.**

(1) Message businesses shall comply with all provisions of Title 6, Chapter 2 of this Code.

(2) Message business owners shall obtain and maintain in compliance all permits required by the County of Los Angeles, Department of Public Health.

(3) No Message business may be operated from a location where illegal activity has occurred within three (3) years of submission of an application for a Message business at that location.

(4) Message establishment owner(s) must submit proof of a valid Business Registration Certificate or proof that consideration of such a Certificate is in process.

(5) The minimum separation between site boundaries of properties containing message businesses shall be 1,000 feet, except that this standard may be waived by the decision making body upon a finding that the addition of the message business will not contribute to or create a blighting influence in its vicinity.

(6) Alcohol shall not be sold, consumed or purchased in any Message business.

(7) Condoms shall not be sold or purchased in any Message business.

(c) **Conditional Use Permit required.**

(1) No Message businesses shall be established after the effective date of this ordinance unless a conditional use permit is obtained pursuant to Section 10-5.2506.

(2) Massage establishment violations. If a Massage Business or any Massage Business Employee is convicted of a felony or misdemeanor, or pleads no lo contendre to an infraction violation of applicable City code or state law and that violation is one that permits the business to continue operations, the Massage Business must obtain a conditional use permit to continue operating in the City.

SECTION 11. 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 12. SEVERANCE. 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 13. PUBLICATION AND EFFECTIVE DATE. This ordinance shall be published by one insertion in The Beach Reporter, 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.



CITY OF REDONDO BEACH
INTER-DEPARTMENTAL MEMORANDUM

TO: Planning Commission
FROM: Aaron Jones – Community Development Director 
DATE: August 14, 2015
SUBJECT: Item #10 - Legado Mixed-Use Project Draft Resolution

At the time of agenda packet delivery, the Draft Resolution for the Legado Mixed-Use project was not ready for distribution. Staff anticipates providing the Draft Resolution early next week.



Administrative Report

Planning Commission Hearing Date: August 20, 2015

AGENDA ITEM: 10 (CONTINUED PUBLIC HEARING)

PROJECT LOCATION: 1700 SOUTH PACIFIC COAST HIGHWAY

APPLICATION TYPE: CONTINUED PUBLIC HEARING TO CONSIDER A (REVISED) MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY (IS-MND), AND MITIGATION MONITORING AND REPORTING PROGRAM, (REVISED) APPLICATION FOR CONDITIONAL USE PERMIT, PLANNING COMMISSION DESIGN REVIEW INCLUDING LANDSCAPE AND IRRIGATION PLANS, AND SIGN REVIEW AND VESTING TENTATIVE TRACT MAP NO. 72662

CASE NUMBER: 2015-03-PC-005

APPLICANT'S NAME: LEGADO Redondo L.L.C.

APPLICANT'S REQUEST AS ADVERTISED:

Consideration of the approval/certification of a (Revised) Final Mitigated Negative Declaration/Initial Environmental Study (IS-MND), and Mitigation Monitoring and Reporting Program (including Modified Mitigation Measures), a Conditional Use Permit, Design Review, Landscape and Irrigation Plan, Sign Review, and a Minor Subdivision (Vesting Tentative Tract Map No. 72662) to permit the construction of a mixed-use project with 149 residential apartment units, (a reduction from 180 units) and approximately 37,000 square feet of neighborhood-serving commercial development (an increase from 36,000 square feet) with a total of 649 parking spaces (an increase from 614) at a maximum height of three stories and 45 feet above existing grade (a reduction from four stories and 56 feet), and the renovation of an existing 110-room hotel, on property located within a Mixed Use (MU-3A) zone, located at 1700 South Pacific Coast Highway.

EXECUTIVE SUMMARY

Following the acceptance of extensive public testimony on July 16, 2015 the Planning Commission continued the public hearing and requested that potential findings for denial of the project be prepared. This action was taken after the Commission questioned the applicant as to their willingness to continue to revise the project and work in a meaningful way with concerned stakeholders. At this time the applicant

informed the Planning Commission that they wanted a vote on the project as proposed. However, since the Planning Commission meeting, the applicant has reevaluated their options and has submitted a written request that a decision on the project be postponed while they meaningfully work with the stakeholders and significantly revise the project and architectural design. A continuance until October 15, 2015 is requested for those purposes and staff is supportive of this request.

Staff has also prepared a Draft Resolution denying the project in response to the Planning Commission's request. The Draft findings in the Resolution are largely based on public testimony, not specific studies that have been completed by experts.

DEPARTMENT'S RECOMMENDATION

The Community Development Department recommends that the Planning Commission:

- 1) accept any additional testimony; and
- 2) grant the applicant's request to postpone any decision and continue the public hearing to October 15, 2015.

The Community Development Department does not recommend that the Planning Commission deny the project given the applicant's written request to significantly revise the project and the architectural design in collaboration with the stakeholders.

However, as noted in the Executive Summary, a Draft Resolution is attached to this report for Commission consideration.

BACKGROUND INFORMATION

March 19th, 2015 - 180 units

On March 19th, 2015, a Public Hearing was held on the proposed project with 180 units including a request for a Density Bonus as per the State Density Bonus Law (DBL). At that meeting Staff presented a project overview and discussed the requested entitlements. Staff also discussed our professional recommendation that portions of the project be significantly redesigned. This was followed by a presentation from the applicant and a brief report regarding the applicant's community outreach efforts. Following questions from the Planning Commission, public testimony was taken from forty-six (46) individuals.

Thereafter, the Planning Commission concurred with staff's recommendation and continued the Public Hearing to May 21, 2015 to allow the applicant time to address issues and concerns raised by the Planning Commission, staff, and the public during the public hearing.

Since the applicant was not able to provide revised plans in time for the May 21, 2015 meeting, the public hearing was postponed and then re-scheduled to July 16th, 2015.

July 16th, 2015 – 149 Units

On July 16th, 2015, the Planning Commission considered the staff recommendation to approve the (revised) project with 149 residential units, a presentation by the applicant and applicant representatives, and public testimony by all interested parties. Thereafter, the Planning Commission approved a motion to continue the hearing to the next Planning Commission meeting of August 20, 2015. Staff was requested to research and examine potential findings required under the Government Code to support a decision of denial.

DISCUSSION/EVALUATION OF RECOMMENDATIONS

1. Request for Postponement

As discussed in the Executive Summary, the applicant has submitted a letter requesting that the Planning Commission postpone a decision until October 15, 2015. In their letter the applicant states that they desire to propose a “significantly new design” and that they “require time to meet meaningfully with the neighborhood stakeholders and to incorporate their input into a revised project”.

After several discussions with the applicant, Staff is optimistic that the applicant understands and will be responsive to community and Commission concerns in revising their project. Therefore, staff recommends that the Planning Commission grant the requested postponement.

It has been the experience of staff that it takes at least 60 days to produce conceptual plans with a reasonable amount of detail for a project of this size and complexity. Staff would need to receive revised plans, renderings, etc. by no later than September 22, 2015.

2. Denial of the (Revised) Project

At the conclusion of the public hearing on July 16th, 2015, the Planning Commission requested that staff research and provide findings required under the Government Code to support a decision of denial. A Draft resolution providing the necessary findings is attached to this report. The Planning Commission should note that the factual basis in support of these findings is largely based on public testimony, not on information contained in the various studies and reports prepared by experts.

1. **Study of Denial** (Gov. Code § 65589.5(b)). This Government Code Section requires the City to prepare “a thorough analysis of the economic, social, and environmental effects of the action [denial of the project] and without complying with subdivision (d).”
2. **Housing Development Project Finding Requirements** (Gov. Code § 65589.5(j)). This Government Code Section states that in order to deny a “housing development project”^[1] or approve such a project at a reduced density the agency must find that both the following conditions exist:^[2]
 - a. “The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.”; and
 - b. “There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.”
3. **Regional Housing Needs Finding Requirements** (Gov. Code § 65863). This Section states that no city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the residential density for any parcel to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:
 - a. The reduction is consistent with the adopted general plan, including the housing element.

^[1] “Housing development project” includes “Mixed use development consistent of residential and nonresidential uses in which nonresidential uses are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories.” (Gov. Code 65589.5(h)(2).)

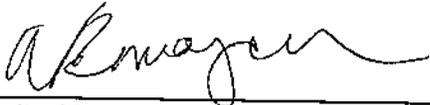
^[2] Staff do not believe the finding requirements under 65589.5(d) are applicable to the project because the project does not fall under the definition of “housing for very low, low-, or moderate-income households” which requires “at least 20 percent of the total unit shall be sold or rented to lower income households.” The project is only proposing 6% as very low income units.

August 20, 2015

- b. The remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584.

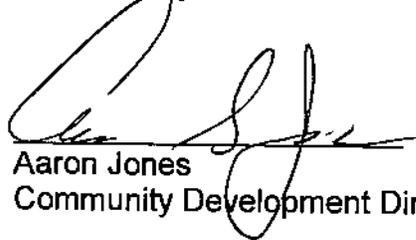
In conclusion, it is Staffs' recommendation that the Planning Commission should grant the requested continuance to October 15, 2015 and accept the applicant's request to redesign the project.

Prepared by:



Anita Kroeger
Senior Planner

Approved by:



Aaron Jones
Community Development Director

cc.

- Letter of Request to continue the Public Hearing, Legado Inc., 8.13.15
- March 19, 2015 Administrative Staff Report
- July 16, 2015 Administrative Report
- Excerpt of Planning Commission Minutes of the July 16th, 2015 Meeting
- Government Code Section 65580-65589.8
- City of Redondo Beach, Housing Element
- Draft Resolution

Allen Matkins

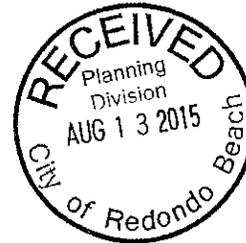
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Direct Dial: 213.955.5647 File Number: 373344-00001/LA1023158.04

August 13, 2015

VIA E-MAIL

Chairperson Nicholas J. Biro
Commissioner Phillip Sanchez
Commissioner Marc Mitchell
Commissioner Doug Rodriguez
Commissioner Tom Gaian
Commissioner David Goodman
Commissioner Wayne Ung
City Planning Commission
City of Redondo Beach
415 Diamond Street, P.O. Box 270
Redondo Beach, CA 900277-0270



Re: Legado Redondo LLC's Project Located at 1700 S. Pacific Coast Highway, Redondo Beach

Dear Commissioners:

Legado Redondo, LCC ("Legado") hereby respectfully requests that the Planning Commission postpone any decision on its Project at this time. Legado makes this request as we desire to propose to the Planning Commission a significantly new design and we require time to meet meaningfully with neighborhood stakeholders and to incorporate their input into a revised project. We will aim to have the revised project satisfactorily address concerns about architectural design, density and other issues that have been raised. Due to the complexity of the changes that might be necessary we believe that a continuance of the case until October 15, 2015 will be advisable.

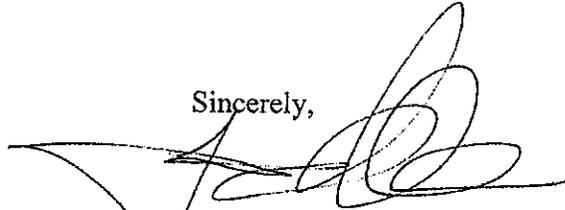
We look forward to developing the revised project in collaboration with the residents that have expressed their concerns and ask that the Planning Commission provide us the time necessary to address these concerns in a revised project.

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

City of Redondo Beach Planning Commission
August 13, 2015

Page 2

Sincerely,



Fernando Villa

FV:emo

cc: Community Development Director Aaron Jones
Assistant City Attorney Cheryl Park
Tyson Sohagi, Esq.

Each via e-mail

March 19, 2015 Administrative Report
Legado Mixed-Use Project



Administrative Report

Planning Commission Hearing Date: March 19, 2015

AGENDA ITEM: 9 (PUBLIC HEARING)

PROJECT LOCATION: 1700 SOUTH PACIFIC COAST HIGHWAY

APPLICATION TYPE: MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM, CONDITIONAL USE PERMIT, PLANNING COMMISSION DESIGN REVIEW INCLUDING LANDSCAPE AND IRRIGATION PLANS, AND SIGN REVIEW WITH A DENSITY BONUS AND VESTING TENTATIVE TRACT MAP NO. 72662

CASE NUMBER: 2015-03-PC-005

APPLICANT'S NAME: LEGADO

APPLICANT'S REQUEST AS ADVERTISED:

Consideration of the approval/certification of a Final Mitigated Negative Declaration/Initial Environmental Study¹ and Mitigation Monitoring and Reporting Program, a Conditional Use Permit, Design Review, Landscape and Irrigation Plan, Sign Review, a Minor Subdivision (Vesting Tentative Tract Map No. 72662) and a request for a Density Bonus under Government Code Section 65915-65918 of State Law, which includes an incentive (or concession) for the maximum building height, a waiver of development standards for the maximum number of building stories and a reduction in parking standards, to permit the construction of a project with 180 residential apartment units, approximately 37,600 square feet of commercial space, the renovation of an existing 110-room hotel, with a total of 614 parking spaces on property located within a Mixed Use (MU-3A) zone, located at 1700 South Pacific Coast Highway.

DEPARTMENT'S RECOMMENDATION:

The Community Development Department recommends that the Planning Commission open the public hearing, accept all testimony and:

- 1) OPEN a public hearing to discuss items 2 and 3 below; and

¹ The "Final Mitigated Negative Declaration" or "Final MND" as these terms are used in this Administrative Report include the Draft MND, the revisions to the Draft MND text and Appendices, and the response to comments (Attachment 4).

- 2) Initiate a discussion on project design pursuant to Planning Commission Design Review Procedures, and if additional modifications are made, incorporate those changes into the proposed Conditions of Approval and then proceed to step 3 below. Staff recommends modifications to the project as follows:
 - a. Redesign the eastern four (4) story structure to break up the large, linear east/west mass;
 - b. Redesign of the project to incorporate an additional 1,300 square feet of open space.
- 3) Request Staff to prepare resolutions for conditional approval of Project identified in the Final MND to incorporate the following actions and any other actions necessary:
 - a. CONSIDER the Final Mitigated Negative Declaration (Attachment #4, pg. 16) together with any comments received up to the close of the public hearing; and
 - b. FIND that the project that there is no substantial evidence that the project will have a significant effect on the environment with implementation of the mitigation measures and that the Final Mitigated Negative Declaration reflects the City of Redondo Beach's independent judgment and analysis; and
 - c. ADOPT the Final Mitigated Negative Declaration, including the Response to Comments and the revisions to the Draft MND and Appendices (Attachment #4); and
 - d. FIND that the revised version of Mitigation Measure U-1 is as equally effective as the original draft of Mitigation Measure U-1 in mitigating potentially significant effects and that it in itself will not cause any potentially significant effects on the environment; and
 - e. ADOPT the Mitigation Monitoring and Reporting Program contained in Attachment #4, Appendix K (including the revised Mitigation Measure U-1); and
 - f. ADOPT Findings for the Conditional Use Permit, Planning Commission Design Review (including the Landscape and Irrigation Plan and Sign Review), Vesting Tract Map, and the Density Bonus and related incentives (or concessions) and development waivers, and

- g. APPROVE (1) the Conditional Use Permit (subject to the Conditions of Approval), (2) Planning Commission Design Review, Landscape and Irrigation Plan, and Sign Review (subject to the Conditions of Approval), (3) the Density Bonus and concession/waivers described in the Final MND, (4) Vesting Tract Map No. 72662 (subject to the Conditions contained of Approval)

While not recommended by Staff at this time, if the Planning Commission is interested in denial of the Project, Staff recommends further study to support findings for denial. Unlike most types of projects, this project may require the City to make specific findings and perform additional studies prior to denial. Additional details on these procedures are provided at the end of this report in Section VIII.

I. EXECUTIVE SUMMARY

Project developer, Legado, Inc. is requesting the approval to construct a mixed-use project with 180 residential apartment units, approximately 37,600 square feet of commercial space, renovation of an existing 110-room hotel, with a total of 614 parking spaces on the 4.275 acre property at 1700 South Pacific Coast Highway. Included are requests for a density bonus, an incentive (or concession) for the maximum building height, a waiver of development standards for the maximum number of building stories and a reduction in parking standards pursuant to Government Code Section 65915-65918 of State Law.

Legado first applied to the City in December 2012 to construct the project. Staff's review of the proposed project led Legado to submit a revised project in September 2013. Staff has been working with the applicant, the architect, environmental and traffic consultants since that time to attempt to arrive at a project that can be recommended to the Planning Commission.

Architectural plans and drawings provide the basic parameters of the project. Supplemental information is provided in the form of the following background studies: a Traffic Study; Visual Impact Assessment; Sewer Flow Study; SUSMP/LID (on-site stormwater mitigation plan); Geotechnical Study; and Phase I Environmental Report. In addition, a Final Mitigated Negative Declaration/Initial Environmental Study (IS-MND) and Mitigation Monitoring and Reporting Program (MMRP) have been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA).

The CEQA environmental analysis concludes that the environmental impacts of the proposed project are "less than significant" with the implementation of specified mitigation measures. This includes, but is not limited to: 1) a Traffic Mitigation Measure to reconfigure the intersection at Pacific Coast Highway and Palos Verdes Boulevard to ensure that the Level of Service (LOS) is not degraded as a result of the proposed project; and 2) a Utility Mitigation Measure that requires the developer to upgrade the

wastewater infrastructure downstream of the project to increase the capacity of the existing facilities.

The applicant is requesting approval/certification of a Mitigated Negative Declaration/Initial Environmental Study, and Mitigation Monitoring and Reporting Program, and the approval of a Conditional Use Permit, Planning Commission Design Review, a Minor Subdivision (Vesting Tentative Tract Map No. 72662) and a request for a Density Bonus under Government Code Section 65915-65918 of State Law. It also provides a number of recommended "Conditions of Approval".

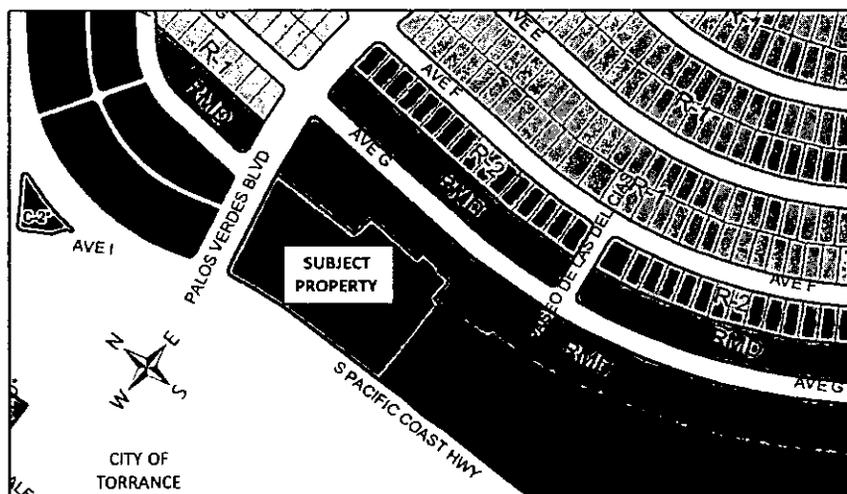
Staff recommends additional modifications to the project pursuant to the City's Design Review procedures. These modifications include (1) a redesign of the eastern four (4) story structure to break up the large, linear east/west mass, and (2) a redesign of the project to incorporate an additional 1,300 square feet of open space to comply with the City's open space requirements.

Should the Planning Commission elect to modify the design of the eastern residential structure pursuant to the City's Design Review Procedures, the Planning Commission may determine that it is appropriate to continue the public hearing and direct the applicant to revise the design and building scale of the eastern structure, in terms of height and bulk in relation to adjacent buildings and uses.

II. BACKGROUND INFORMATION

Site Description

The project site is an irregular-shaped lot with approximately 520 linear feet of street frontage on the east side of South Pacific Coast Highway and 300 linear feet of frontage on the south side Palos Verdes Boulevard for a total of approximately 4.275-acre or 186,226 square feet. The property is currently developed with 28,354 square feet of retail



space, including a 21,130 square foot former Bristol Farm grocery store and 7,224 square feet of other in-line retail spaces (a massage parlor, a salon, and a guitar school) and a 69,000 square foot, 110-room hotel (Palos Verdes Inn). The General Plan designation for the site is MU-3 and the zoning of the subject property is Mixed-Use

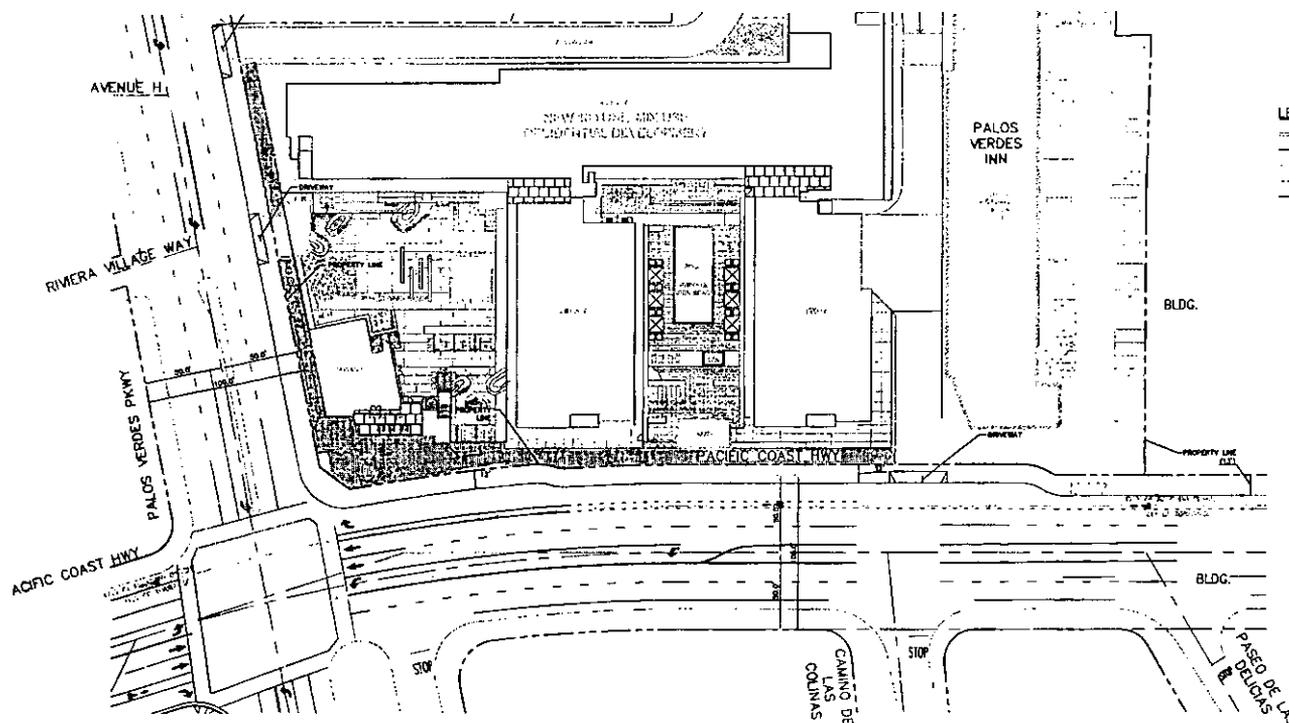
(MU-3A). (RBMC § 10-2.900 et seq.) One of the purposes behind this mixed use zone is to “encourage residential uses in conjunction with commercial activities in order to create an active street life, enhance the vitality of businesses, and reduce vehicular traffic.” (RBMC § 10-2.900.)

Given that the subject property and the two adjacent roadways, South Pacific Coast Highway and Palos Verdes Boulevard, are situated at an angle to the four (4) cardinal compass points, an agreement was reached with the applicant, the architect and the traffic consultant that all references to Pacific Coast Highway would be north and south and all references to Palos Verdes Boulevard would be east and west. Therefore, references in the Admin Report to adjacent or neighboring properties are also based on this geographic orientation.

The site is surrounded by multi-family residential uses to the east on Avenue G and to the west on Palos Verdes Boulevard and Camino de las Colinas, which are located in the City of Torrance. A variety of commercial uses are located to the northeast in the City of Redondo Beach including a fast food restaurant, a sit-down restaurant and numerous retail establishments and office uses. A sit-down restaurant is located directly south of the subject property. Another sit-down restaurant is located northwest in the City of Torrance. The centerline of Pacific Coast Highway located directly in front of the subject property (west) serves as the boundary line between the City of Redondo Beach and the City of Torrance.

The property directly adjacent to the south is also zoned Mixed-use (MU-3) as are all the remaining properties on the east side of South Pacific Coast Highway leading up to the Torrance City boundary. The properties to the north across Palos Verdes Boulevard are zoned Commercial (C-4A). Properties adjacent to the east are zoned Multi-family Residential (RMD).

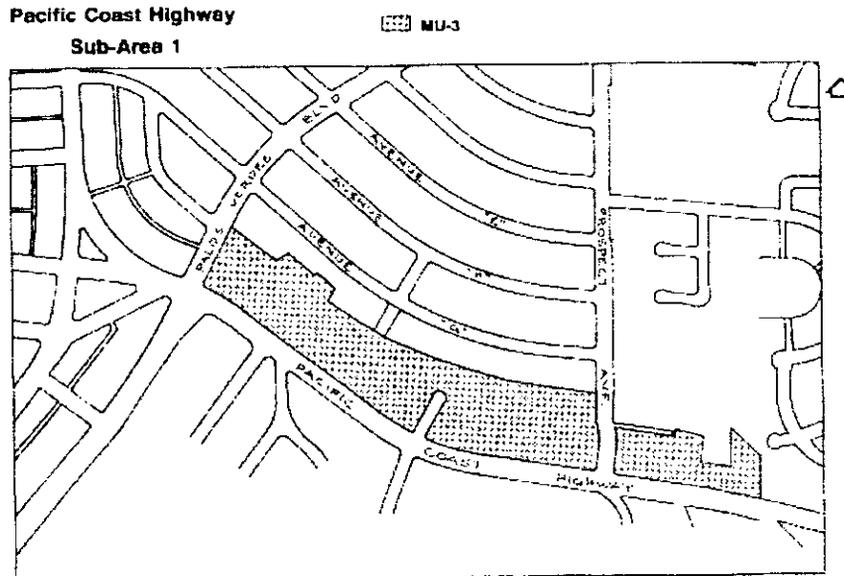
The properties across South Pacific Coast Highway to the west in the City of Torrance are zoned multi-family residential.



General Plan Designation Background

The General Plan Land Use Element identifies this portion of Pacific Coast Highway as Sub-Area 1. As stated in the General Plan:

“This area was designated for mixed use development (“MU-3”) primarily because of its physical suitability for development of this scale. In particular, this area features lot depths in excess of 300 feet and is adjoined to the rear by high density apartment complexes situated at a higher elevation. Because of these factors, this area is more capable of supporting larger scale, higher intensity development without creating undue impacts. This fairly large area also provides a significant opportunity for the production of new affordable multiple-family housing.”



General Plan Policy 1.21 indicates that the subject property is intended for the development of mixed-use projects integrating residential with commercial uses southeast of Palos Verdes Boulevard as a primary activity center of the City.

In addition to the potential land use benefits of locating mixed-use zones at nodes and along certain transit corridors, the mixed use zones also play a role in the City maintaining state certification of its Housing element without impacting existing residential neighborhoods.

Under State law, the General Plan is required to include a Housing Element to meet identified housing needs for all income groups. The State allocates housing growth needs to each region in the state and each regional agency (Southern California Association of Governments in this region) allocates the housing needs to each jurisdiction in the region. Each jurisdiction is required by State law to provide zoning capacity to meet its "fair share" of regional housing allocations. Under State Housing Element law, areas zoned to permit 30 or more units per acre may be counted by a community to show it has provided zoning opportunities to meet both its affordable housing needs and total housing unit production capacity.

Redondo Beach's 2013-2021 Housing Element of the General Plan was reviewed and certified for compliance with State Law by the Department of Housing and Community Development in April, 2014. The City does not have the capacity to meet its housing allocation requirement exclusively in existing residential zones. Mixed use-zones are essential in meeting future housing allocations without adversely impacting established neighborhoods.

As required by State law, the Housing element was updated in 2014 for the 2013-2021 planning cycle. The current allocation for the 2013-2021 Housing Element is 1,397 total

new units. The City must demonstrate in the Housing Element that it has adequate development capacity to accommodate the RHNA. The majority of the City's RHNA is being accommodated on mixed use/commercial sites.

III. DETAILED DESCRIPTION OF THE PROJECT:

Introduction

The proposed project includes the demolition of the 21,130 square-foot former Bristol Farm grocery store, the demolition of 7,224 square feet of in-line retail tenant spaces, the renovation of the existing 110-room hotel, and the construction of a new mixed-use development.

The mixed-use project consists of 180 residential units and approximately 37,600 square feet of neighborhood-serving commercial development. Commercial uses may include up to 24,000 square feet of market space, 4,800 square feet of ground floor restaurant space (one 1,500 square-foot restaurant and one 3,300 square-foot restaurant), 6,000 square feet of ground floor retail space, and a 2,800 square-foot podium level restaurant.

The combined total floor area of the proposed project is approximately 275,500 square feet, which is equivalent to a Floor Area Ratio (FAR) of 1.5. The project is four stories in height² and varies between 47'-4" to 56'-0" feet at some portions of the project. The project provides approximately 50,000 square feet of private open space including the required open space per residential unit and 25,800 square feet of public open space.

A total of 614 parking spaces are provided including 552 spaces in a subterranean structure and 62 spaces on a surface lot. One secure bicycle parking space per unit, (180) and 42 short-term bicycle parking spaces are also to be provided for a total of 222 bicycle racks.

Site Layout and Design

The primary project components include the existing four (4) story, 50'-0" foot high hotel, which is to be renovated, and the new mixed-use construction that can be broken down into: residential space; commercial space; public open space; and parking space. The existing hotel and a surface parking lot are located on the south end of the subject property with the new mixed-use construction occurring on the remainder of the site. The mixed-use space is organized both vertically and horizontally.

Starting at the bottom, the lowest levels of the project consist of a subterranean garage with two and half levels of parking. Above that at the street level is a corner plaza

² Height is defined in Redondo Beach Municipal Code 10-2.402(a)(29).

(public open space) and commercial tenant spaces facing Pacific Coast Highway and Palos Verdes Boulevard. Above that on the second level (podium) is another larger, public open space, a private open space, and three residential structures. Two of the residential structures are three (3) stories in height while the third structure is four (4) stories in height.

The spatial design organizes the structures on the basis of their functions placing the public uses around corner focal point and the private uses further to the side and rear away from the on-site public open spaces and the public right-of-ways. With that in mind, structures are also situated on the basis of building mass with the smaller and lower structures closest to northwest corner of the site the medium size structures in the middle of the site and the tallest structures along the east side and south of the site. The result is a semi-circular massing that tapers downward towards the Riviera Village, providing views both in to and out of the project.

Vehicular access to the site is provided by four (4) two-way driveways; two on each of the street frontages. The driveway nearest the east property line on Palos Verdes Boulevard leads to an access road that runs north/south adjacent along the periphery of the site and then turns east onto an internal east/west roadway. The second driveway on Palos Verdes Boulevard is located mid-way along that frontage and leads directly to the subterranean parking garage. The internal roadway provides two access points into the parking structure, and a north/south access to the hotel surface lot. The main driveway into the project from Pacific Coast Highway leads to the internal roadway with its various options. An additional driveway off of Pacific Coast Highway south of the hotel provides direct access to the hotel surface lot.

Residential Component

There are 180 residential units including 16 studios, 96 one-bedroom units, and 68 two-bedroom units. The units range in size from 478 square feet for the Studios, 656 – 751 square feet for the one-bedroom units, and 979 – 989 square feet for the two-bedroom units. Nine (9) of the units are designated for very low income families. Each unit has a private balcony and/or patio that meet the minimum required size equivalent of 200 square feet.

Amenities for the residential units include a 728 square-foot gym and a pool area approximately 11,000 square feet in size. Both are located centrally within the clusters of units with an open-facing west exposure.

Each studio and one-bedroom apartment is provided with one (1) parking space, while two bedroom apartments will be provided with two (2) spaces each. Another fifty (50) unassigned parking spaces area are available on the residential parking level. Additionally each unit has a private secured storage space for a bicycle. Additional details on parking are provided on pages 95-96 of the Final MND.

The residential units are located on the Second, Third and Fourth Floors of the project in three distinct buildings. Two of the residential buildings are located on either side of the private pool area. These structures are each three (3) stories in height and oriented east/west providing the units with views to the north and south. The third residential structure that runs along the east property line is four (4) stories in height. These units have views facing west and the east.

The units are accessible on foot from various locations on both South Pacific Coast Highway and Palos Verdes Boulevard. Three (3) elevators and five (5) sets of stairs provide access up from the subterranean parking garage.

Commercial Component

The proposed mixed-use project consists of approximately 37,600 square feet of neighborhood-serving commercial development. Commercial uses located at street level may include up to 24,000 square feet of market space, two (2) restaurant spaces occupying the equivalent to 4,800 square feet, and 6,000 square feet of retail space in three (3) different tenant locations.

The market space is located in the southwest corner of the mixed-use structure with its primary exposure onto Pacific Coast Highway. A pedestrian corridor that runs from the public sidewalk on Pacific Coast Highway to the commercial parking spaces in the subterranean garage is located between the market and the other commercial tenant spaces located to the north. The five (5) smaller tenant spaces are located at the northwest corner of the structure, three (3) of which will open up off of the public open space located at that corner. Public stairs and an elevator lead up to the 2,800 square foot restaurant space located on the second level at the northwest corner of the public open space located on the second level. This restaurant will also have outdoor dining facing west towards Pacific Coast Highway and northwest to the Riviera Village.

A small lobby is located at the northeast corner of the structure, on the mezzanine level (P1A) accessible off of Palos Verdes Boulevard. The lobby includes a 935 square-foot leasing office, a security desk, mail room, restrooms and lounge.

Hotel Component

The project also includes the renovation of the existing 110-room hotel, currently known as the Palos Verdes Inn. The proposed renovation of the hotel includes remodeling both on the interior and the exterior in terms of aesthetics and design. No specific plans for the hotel have been submitted since the applicant has not yet established a relationship with a hotel developer/operator who is prepared to take on the project. The only aspect of the hotel remodel project likely to be certain is the demolition of the front-facing addition that was previously occupied by a restaurant and ancillary culinary school. The addition needs to be removed to make way for the project related street and sidewalk widening.

Private Open Space

Each of the private units is provided with the minimum code required equivalent outdoor living space of 200 square feet in the form of a balcony or a patio. In addition, approximately 11,000 square feet of outdoor space on the podium level is organized around a pool. The pool is surrounded by a mix of furnishings including lounge chairs, tables and cabanas. Planters are interspersed throughout the space with a trellis and gym located at the west end.

Additionally, another 3,800 square feet are provided in a private dog park and small park area which are located east of the residential loading dock and west of the rear access road.

Public Open Space Component

The Cover Sheet A1.0 of Architectural Drawings (Attachment #1) indicates that a total of 28,870 square feet of public open space is provided, however, the actual amount is 26,241 square feet as reflected on Sheets OS1.0 and OS1.1 of Architectural Drawings (Attachment #1). Furthermore, the Cover Sheet indicates that 27,872 square feet of public open space is required. This, too, is incorrect as the site is required to have a total of 27,535 square feet (10% of F.A.R.). Based upon the revised quantities, the project provides approximately 1,300 square feet less than the required public open space. Should the project receive a positive vote, the applicant must provide the additional 1,300 square feet as a condition of approval.

The focus of the open space at the ground level, approximately 8,000 square feet at the northwest corner of the site, consists of a set of corner stairs that lead to an open plaza. The plaza design includes a variety of public amenities such as cast-in-place concrete benches, planters of various shapes and sizes, a public art location, decorative freestanding accent walls, areas designated for outdoor dining and a stylistic project identification sign. The plaza can also be accessed from a sloped pathway that runs along the storefronts facing Palos Verdes Boulevard. The public open space extends to the south along the market storefront that is designed with several recesses. The open spaces along the storefronts are furnished with custom fixed benches, bicycle racks and planters.

A larger, self-contained public open space, approximately 14,500 square feet in size, is located on the second level. It is accessible to the public by an open stairway and elevator off of the corner plaza. A 2,800 square-foot restaurant with a private outdoor dining area is situated at the northwest corner. This public space has both west and north-facing views. As currently designed, there are several smaller niche areas within the larger space. A small park-like space south of the stairway includes custom furnishings for west-facing views. The center of the space is designed with concrete

benches and a raised stage to the south. A grouping of lounge chairs is located in the more northerly space along with an overhead trellis. The entire area is interspersed with an eclectic mix of outdoor furnishings and landscape planters. Another set of stairs at the southeast corner provides residents' with access to their units and private amenities within the project.

Parking

The proposed project provides of 614 parking spaces including 552 parking spaces on three levels of subterranean parking and 62 parking spaces on a surface lot south of the hotel.

The residential parking spaces are provided on parking level (P2). One parking space is provided for each studio and one-bedroom unit, and two spaces are each two-bedroom unit. There are also an additional 60 residential spaces available for a total of 308 residential parking spaces. Each of the units is also provided with a secured bicycle storage area located on Level P1 and private, lockable storage areas located throughout the various subterranean parking levels.

Based on the proposed construction of approximately 30,000 square feet of the retail space and 7,600 square feet designated for sit-down restaurants, a total of 196 commercial parking spaces are required. The majority of these spaces (149) are provided on level P1, with 20 spaces available on Level P2 and 27 spaces on P1A. The renovated hotel requires 110 parking spaces which equates to one space per room. Of these, 62 spaces, including 15 tandem spaces, will be provided on the surface lot south of the hotel. The remaining 48 spaces are available on level P1A of the subterranean parking garage.

Of the parking provided, approximately 68% are standard spaces, 18% are compact, 11% are compact tandem, and 1.5% are standard tandem. Twelve (12) spaces are designated for handicap use and Nineteen (19) of the spaces are equipped for electric vehicles.

Both east and west bound traffic on Palos Verdes Boulevard can enter the project via two, 30'-0" wide two-way driveways, one located at the most easterly property line, and another located about mid-way along that street frontage. Vehicles travelling northbound on South Pacific Coast Highway can enter the project via a 30'-0" wide two-way driveway located just north of the hotel. These internal roadways provide access to the various subterranean parking levels. Access to the hotel surface parking lot on the south side of the site is available via a 30'-0" wide two-way driveway from northbound traffic on South Pacific Coast Highway. An internal roadway at the rear of the hotel will allow vehicles to travel between the mixed-use portion of the site and the hotel surface parking lot.

Architecture

The architecture of the building is best described as a sophisticated, eco-contemporary design that incorporates an aesthetic balance of cool materials such as glass, steel, concrete and other industrial-inspired materials, interspersed with warm, traditional materials such as wood and tiles. Contemporary design is characterized by the use of simple lines, 90-degree angles, flat roofs with overhangs, large expanses of windows, cantilevered spaces and a distinct lack of ornamentation. This design style seeks to create a close connection between the interior and exterior spaces giving nature an important role in the overall dynamic.

The street level, commercial areas and restaurant space above are distinguishable by their expansive floor to ceiling, glass storefronts that are organized into geometric shapes by minimal metal frames. The design is further informed by flat roof tops, stream-lined projecting canopies, cantilevered areas, and building alcoves. An all-glass elevator exudes contemporary design. A refined choice of exterior building materials include smooth finish stucco, tile, and wood accents, within a limited color palette, that contribute to the clean, but stylized appearance. The application of these materials along horizontal building lines and large surface areas minimizes the busy detailing found in many other building designs.

The residential components of the project also feature similar eco-contemporary ideas including the extensive use of glass, flat roof tops with and without overhangs, and projecting canopies. The massing of the structures, and the entire project for that matter, is organized around the strategic juxtaposition of geometric forms. The application of building colors and materials to large expanses further accentuates the play on the various building forms, setbacks and heights.

The outdoor areas also respect the principles of contemporary design in how the space is organized, the choice and color of the materials, and other details evident in the selection of the lighting fixtures, railings, furniture, and planters.

Landscaping

Landscaping concepts for the project are reflected on Sheets L1.0, L1.1, and L1.2 of the Architectural Drawings (Attachment #1) The plans consist of a diverse array of tree installations including Ginko Biloba (Maidenhair), Metrosideros (New Zealand Christmas tree) and Lagerstroemia Indica 'Natchez' (Crape Myrtle). Other trees around the periphery of the site include Washingtonia X Filibusta (Mexican Fan Palm Hybrid), Arbutus 'Marina' (Strawberry trees), and Platanus Racemosa (California Sycamore) trees. Ornamental grasses such as Dianella Tasmanica 'Variegata' (White Striped Tasman Flax Lilly), Lomandra Longifolia 'Breeze' (Dwarf Mat Rush), and shrub-like plants including Hydrangeas and Philodendrons (Xanadu) will serve as mid-level plantings. Interesting groundcovers such as Carissa Macrocaropa (Green Carpet Natal Plum) and areas of lawn will be interspersed among the other plantings.

Living walls covered in succulents and Ficus Pumila (Creeping Fig) provides additional greenery without sacrificing floor area. Clusters of decorative pots planted with a visually interesting mix of Otatea Acuminata Aztecormum (Mexican Weeping Bamboo) and succulents such as Senecio Rowleyanus (String of Pearls) provide additional plantings throughout the public spaces.

Many of the plantings are California natives and low water use plants.

Hardscape

The project includes a variety of hardscape areas such as the corner plaza, the public open space on the second level, the private residential pool area, and the ground-level pedestrian pathways and driveways. The hardscape materials at the plaza and ground-level pedestrian pathways include cast-in-place large concrete, off-set paving bands with an acid etch finish in three (3) muted gray tones. The public open space and pool area are finished with similar materials scaled down to smaller pavers arranged to delineate different uses within those areas. The driveway entrances leading into the development are finished with granite cobble pavers.

Furnishings

The furnishings throughout the open space areas reflect the contemporary design style of the project with low profile streamlined concrete or metal forms balanced by modest natural accents. The public open spaces are furnished with a variety of geometric cast-in-place concrete or metal-framed furnishings with wood surfaces. This includes benches and lounge chairs, picnic-style tables, and overhead trellises. While most pieces are a blend of materials, some are comprised of only one and these include the wood-like decking and metal park chairs, both located on the second level. Each of the open space areas include planters comprised of steel, concrete, or fiberglass. In spaces where railing is necessary, clear glass railing with metal hardware is utilized.

Items specific to the ground-level plaza include oval-shaped metal bicycle racks and large table umbrellas. Pieces only found in the second floor park include a wood-like raised stage, concrete audience seating, u-shaped built-in fire-pit seating, and iron and wood chess tables. Cabana structures and a free-standing tile shower wall are only located in the private pool area.

Most of the furnishings are dressed in muted gray tones while accent pieces in red provide pops of color throughout the site. These include large table umbrellas along the ground-level promenade, concrete accent walls framing the corner plaza steps, and strategically placed decorative pots.

Lighting

The lighting plans are conceptual in nature providing targeted lighting locations and an array of potential designs and fixtures. Much of the lighting is provided through innovative features that integrate and camouflage the light source. Other more visible options feature clean, unadorned lines, using sleek-looking, metal and glass materials. The lighting approach is not only functional but an artistic statement in keeping with contemporary flare of the project.

The corner plaza is lit with down-lighting in the handrails, up-lighting in the planters and along accent walls, and recessed lights in the undersides of the canopies and cantilevered spaces. Custom lighting highlights a public art installation, establishing a visual focal point of this public entrance to the project.

Lighting on the second level public open space includes light strips beneath built-in benches, and a creative variety of fixtures that highlight the landscape areas and the trellis. The open areas are lit by stylized, pole-mounted lights and/or other post lighting options. The private pool area uses many of same lighting concepts with the potential to create some artistic lighting effects around the pool and the cabanas.

The pedestrian corridor that connects the P1 commercial parking area to corner plaza is lit by suspended pendant lighting fixtures. Ground-mounted bollard lights are strategically located to light the rear access road and the east/west internal roadway. Lastly, the parking structure uses sophisticated surface-mounted fixtures designed to create a safe, well-lit environment with maximum visibility for vehicular and pedestrian circulation.

Signage

There are two (2) sets of sign plans for the project (Attachments #1a and #1b); one provides concepts for project identification, and the other provides locations and design guidelines for facility signage and retail signage.

The project identification signs consist of variations of the letter "R" by itself or in conjunction with the project name "Legado Redondo". The designs incorporate geometric shapes with clean lines or stand-alone lettering fabricated with stainless steel with blue painted accents. The plans do not specify if any of the signs are interior-illuminated, nor do they provide any dimensions.

The plans show the locations of seven (7) signs, including free-standing, wall-mounted and projecting signs. The main building identification signs are located at the corner plaza including one (Sign G) consisting of individual free-standing horizontal letters in a planter south of the entrance steps and (Sign F) a vertical monument sign on the north side of the plaza. A projecting sign (Sign B) similar in design to the monument sign is planned for corner of the residential structure facing Palos Verdes Boulevard. Three (3)

logo signs (Signs A, E and J) consisting only of the letter "R" are located on the street-facing elevations of the residential structure and the commercial structure on Palos Verdes Drive, and the more northerly residential structure on Pacific Coast Highway.

The proposed 'Uniform Sign Program' provides locations and guidelines for the commercial tenant spaces including acceptable sign treatments as well as the submission and review process. Written details of acceptable sign types, design, and placement criteria are reflected in the Sign Program along with examples of acceptable designs.

Green Building Features

The proposed project includes several green building design features. These include, but are not limited to:

- Double glazed and operable windows;
- Photo sensors and occupancy sensors on lighting;
- Energy-efficient lighting fixtures in all interiors;
- Use of renewable building materials;
- Solar photovoltaic paneling on the roof
- Electric charging stations for electrical cars;
- Bicycle parking to encourage less automobile use;
- Low water flow restroom fixtures to reduce water waste;
- Energy-efficient Energy Star appliances in apartment units; and
- Water-wise landscaping pallet.

Public Right-of-Way Dedication and Improvements

The project requires a public right-of-way dedication and improvements along the frontage of South Pacific Coast Highway for the purpose of providing a 12'-0" wide public sidewalk in keeping with the City's adopted Administrative Policy No. 12.2, Living Streets Guidelines and Policies for Redondo Beach (City Council Resolution No. 1310-095, October 1, 2013). An 11'-0 wide property dedication approximately 121 feet in length is required beginning at the northeast corner of the site which tapers down to a 7'-0" wide dedication for the remainder the frontage along South Pacific Coast Highway with the exception of the most southerly 58.79 feet that is located in front of the hotel surface parking lot.

IV. DEVELOPER COMMUNITY OUTREACH EFFORTS:

Legado enlisted the services of a bi-partisan public affairs and digital strategy firm, Pear Strategies, to assist them with their public outreach efforts.

DISCUSSION OF THE CALIFORNIA DENSITY BONUS LAW

The California Density Bonus Law was originally enacted by Senate Bill 1818 in 2004 and is implemented pursuant to Government Code Section 65915 – 65918 (see attached). It is one of several California statutes designed to promote the construction of low income housing and to remove any impediments to the development of said housing. The mechanics of the law are described in greater detail below.

a. Density Bonus Calculations:

Density bonus requirements are triggered when a residential developer sets aside a designated percentage of units (threshold):

- 10 percent of the total units as affordable to low income households; or
- 5 percent of the total units as affordable to very low income households; or
- senior housing pursuant to Section 798.76 or 799.5 of the Civil Code.

The density bonus for a residential project that provides housing for very low income units (Gov. Code § 65915(f)(2)) is calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	34

The proposed project has proposed to include 6% of the residential units (9 units) as very low income units which would consequently allow a 22.5% density bonus, which is equivalent to an additional thirty-four (34) units (however the project has only proposed a 21% density bonus, which equates to 31 additional units).

b. Applicant Requested Incentives and Concessions: The Density Bonus law also provides for one applicant elected incentive/concession for projects that propose at least 5 percent of the units for very low income households. (Gov. Code § 65915(d)(2)(A).) A concession/incentive includes a reduction in site development standards. (Gov. Code § 65915(k).) Legado has requested a concession to increase the permissible height of the development to 56 ft. (a waiver of the height limits contained in RBMC § 10-2.916(d)).

- c. Development Standard Waivers: In addition to incentives/concessions a City must generally waive a development standard that physically prevents the proposed project from being constructed with the proposed density bonus and with the requested incentives. (Gov. Code § 65915(e)(1).) Legado has requested waiver of the City's development standards related to (1) number of stories (RBMC § 10-2.916(e)), and (2) maximum residential density (RBMC § 10-2.916(b)), under this provision of the Density Bonus law.
- d. Parking Standards: Upon the request of the developer, the City cannot normally require a vehicular parking ratio that exceeds the following: one onsite parking space for units with zero to one bedroom; two onsite parking spaces for units with two to three bedrooms; the total of which is inclusive of handicapped, guest, tandem and uncovered spaces. (Gov. Code § 65915(p).) The Legado applicant has requested the Density Bonus parking ratios for the residential component of the project.
- e. Housing Agreement: The statute requires that the applicant and the City enter into a housing agreement that ensures the continued affordability of the prescribed number of units for a minimum period of 30 years.

DEVELOPMENT STANDARDS

The proposed project meets the required development standards of the Mixed-Use (MU-3A) zone (with the exception of the public outdoor space) with the implementation of the State Density Bonus Law³ as follows:

- Maximum Floor Area Ratio (F.A.R.) for mixed-use projects: 1.5. The proposed size of the project not including the parking garage is approximately 275,000 square, which is equivalent to an F.A.R. of 1.5.
- Maximum permitted commercial F.A.R. is 0.7, while the minimum commercial F.A.R. is 0.3 multiplied by the lot area within 130 feet of the property line abutting Pacific Coast Highway. The maximum 0.7 F.A.R. for this project equals 130,358 square feet and the minimum equals 20,280 square feet. The proposed 37,600 square feet of commercial space meets this standard.
- Residential density of one unit for every 1,245 feet of lot area equals a maximum of 149 units. 180 units are being proposed based on provisions of the State Density Bonus Law described above in greater detail.
- The project meets the minimum lot size of 15,000 square feet.

³ "The granting of a density bonus shall not be interpreted, it and of itself, to require a general plan amendment, local coastal plan amendment, zoning change..." (Gov. Code § 65915(f)(5) and (j).)

- The maximum building height is thirty-eight (38) feet, except that building heights up to a maximum of forty-five (45) feet may be approved upon portions of the lot, subject to Planning Commission Design Review. The applicant has requested a concession under the Density Bonus law for this development standards because portions of the project are up to fifty-six (56) feet in height.
- A maximum of three (3) stories is permitted. The project includes four (4) stories and is relying upon provisions of the State Density Bonus Law. The project applicant has already utilized their one voluntary concession on waiving the City's height development standards. The applicant is relying upon the waiver of this development standard under the Density Bonus law for development standards that would physically preclude construction of the project.
- The project meets the required setbacks for the zone.
- The proposed private outdoor space meets the minimum requirement of 200 square feet per unit.
- The proposed total of public outdoor space is approximately 26,241 square feet, about 1,300 square feet less than the required 10% of the project F.A.R.
- The project provides parking as per the provisions of the State Density Bonus Law.

VI. Summary of the Environmental Analysis in the Final Initial Study/Mitigated Negative Declaration (Final IS MND)

The City prepared, noticed, and released a Draft Mitigated Negative Declaration 2014-08-IES-MND-001 ("Draft MND") for a 30-day public review period that began on August 7, 2014, and concluded on September 8, 2014. While the original notice proposed a Planning Commission hearing on November 20, 2014, the City issued a Notice of Postponement in November 2014. The Planning Commission hearing on the Legado Project scheduled for March 19, 2015 was re-noticed on February 15, 2015.

While there are no requirements to prepare response to comments on a Draft MND, the City prepared responses and incorporated them into the Final MND (Attachment #4). The Final MND also includes other revisions to the Draft MND which are marked in strikeout and underline. The Final MND determined that there would be potential impacts associated with the following resource areas (1) Air Quality (construction emissions associated with Reactive Organic Gas-Paint related emissions), (2) Biology (Bird nests), (3) Geology and Soils (unstable soils), (4) Transportation/Traffic (Intersection at Palos Verdes Blvd/Pacific Coast Highway), (5) Utilities and Services Systems (Local wastewater infrastructure). All of these impacts can be mitigated to less than significant with implementation of the mitigation measures provided in the Final

MND (and incorporated into the MMRP).⁴ These mitigation measures include AQ-1 (Low-VOC Paint), BIO-1 (Nesting/Breeding Native Bird Protection), GEO-1 (Geotechnical Design Considerations), T-1 (Palos Verdes Boulevard and Pacific Coast Highway), and U-1 (Wastewater Conveyance).

While impacts to the other resource areas were determined to be less than significant, the City has proposed several additional conditions of approval (COA) pursuant to the City's CUP/Design Review procedures, which include CR-1 (Unanticipated Discovery of Cultural Resources), N-1 (Construction Equipment Mufflers), N-2 (Stationary Construction Equipment placement requirements), N-3 (Construction Equipment Staging area requirements), N-4 (Construction Equipment Electric Tool Requirements), N-5 (Construction Equipment Sound Barriers), a COA for Security/Crime Prevention Plan, and a COA for signal crosswalk timing,

A total of 82, mailed and emailed, comments were received by the City. Sixty-three (63) comments were received within the 30-day public review period that ended on September 8, 2014. Another 19 responses were also received, recorded and responded to after the 30-day public review period ended. The majority of comments received from Redondo Beach and Torrance residents address concerns regarding: traffic congestion; parking; noise and air quality; density; height, compatibility; and impacts on public services and City infrastructure.

Three (3) public agencies including Caltrans, the Los Angeles County Metropolitan Transportation Authority (MTA), and County Sanitation Districts of Los Angeles County also provided comments. Comments from Caltrans regarding the proposed traffic mitigation measure resulted in the need to redesign the proposed reconfiguration of the traffic lanes. The impacts of this redesign on both on-site and off-site traffic circulation have subsequently been addressed and determined to be less than significant. The MTA's concern about protecting the existing bus transit stops during construction is also addressed. County Sanitation provided information about the wastewater conveyance system for the proposed project and the Joint Water Pollution Control Plant that is included in the environmental documents.

The following discussion provides an overview of some of the areas of concern raised by members of the public. These issues are addressed in greater detail in the Response to Comments, which are included in Final MND, Appendix J.

a. Transportation (Traffic Study Methodology and Geographic Scope)

Several commenters suggested that the traffic study was outdated, suggested inclusion of Avenue G in the traffic Analysis, and suggested that the project would lead to

⁴ Mitigation Measure U-1 proposes to construct additional wastewater conveyance infrastructure. Additional revisions to this measure have been made in the Final MND to clarify that it is the applicant's obligation to construct and fund these improvements.

diverted traffic down Avenue G. These issues were addressed in detail in Response 3.2, which explains that an updated traffic report was prepared, and includes updated traffic counts at the closest intersection, and adds in analysis of the intersections of Palos Verdes Blvd/Avenue G and Prospect Ave/Avenue G. Impacts at these intersections were determined to be less than significant. The updated traffic analysis is included in Final MND Section XVI and Final MND Appendix F. The Updated Traffic Study shows that there would be approximately 11 cars that would travel down Avenue G during the peak hour of the day and the project would not result in a significant impact on Avenue G. As explained in Response 6.3, a substantial number of vehicle diversions are not anticipated down Avenue G.

b. Transportation (Parking)

Several Commenters suggested that the project site does not have adequate parking. This issue was addressed through an updated analysis of parking which has been incorporated into Section XVI of the Final MND (pages 85-97), Final MND Appendix F (Chapter 5), and Response to Comments 3.5.

c. Access Road

Several commenters have raised concerns about the northern access road proposed on the project site. As discussed in Response 3.8, under existing conditions the parking lot directly abuts the northern wall in close proximity to the northern residential units...As shown in Table 19, the majority of noise in the vicinity of the project site is associated with traffic and parking lot activities. Many of these existing noise sources for current commercial operations would be diverted to the proposed underground parking structure. Furthermore, construction of the proposed four story structure will also block existing traffic noise. Based upon a comparison to existing conditions, impacts were determined to be less than significant.

Additionally, this northern access road would not be used on a frequent basis. As shown in Figure 5 of the Final MND, this "access road" travels along the northeastern boundary of the project site between the secondary (northern) driveway on PVB to the main driveway on PCH. The mezzanine parking level and main ground-level parking area can be accessed from this road; however the main access to these parking areas is from PCH. The mezzanine parking level is for overflow commercial guests, residential guest parking, leasing, and overflow hotel parking. In addition, this road would not provide access for heavy trucks. As shown in Table 4 of the project traffic study (see Appendix F of the Final IS-MND), approximately 14 heavy trucks and 5 articulated trucks per day are expected to enter and exit the project site. Additional detailed are provided in the Final MND and Response 3.8.

d. Aesthetics

Several commenters raised concerns associated with aesthetics and the density/height of the project.

Aesthetic Impacts were analyzed in detail in Final MND Section I and Appendix B (“Visual Impact Assessment” or “VIA”). The VIA was prepared by MIG / Hogle –Ireland, and includes a comprehensive analysis of the scenic and visual character of the project and vicinity for the purposes of the CEQA analysis. The analysis is based on modeling and simulating the proposed project and its impacts on the surrounding community and includes a photographic survey, visual simulations, a shade study and a review of potential light and glare impacts. The assessment provides the following conclusions:

- The project site is not part of a critical view.
- Though a few, limited private views will be blocked they are not protected by any local ordinances or other legislation.
- The project will be congruent with the existing character of the area as an urban mixed-use development similar in scale to the surrounding buildings.
- The architecture of the proposed project will update the visual character of the existing site with a contemporary aesthetic that will not conflict with the eclectic range of architectural styles in the vicinity.
- A maximum of eighteen (18) residential units north of the site will experience partial shading during portions of the day as a result of the project.
- The project will not produce light or glare that will adversely impact the neighboring development.

The proposed project introduces a mixed-use structure that is three (3) to (4) four stories in height (56 feet at the highest point as defined in the Redondo Beach Municipal Code “RBMC”). This is similar to that of surrounding properties including the existing hotel, which is (4) four stories tall, and buildings surrounding the project site range from one (1) to four (4) stories. Therefore, the project will not degrade background views to the Palos Verdes Hills to the south, nor would it adversely affect foreground views of the Pacific Ocean to the north.

Some windows and balconies of the existing three-story residential condominiums located east of the project on Ave G face the Pacific Ocean and upper floors of these units may have a view of the ocean. However, the views are limited because of topography and screening by the existing multi-story development in the Riviera Village. As designed, the proposed project may block the existing limited views from the condominiums. However, it is important to note that the views are not considered scenic vistas, nor are they protected because the City does not have a private view protection ordinance.

Land uses in the vicinity include multi-family residential units and commercial uses such as restaurants, markets, retail shops, and offices. In combination, they function as a high-intensity urban beach community providing local and tourist conveniences amidst medium to high-density housing in relative proximity to the beach. Since the proposed mixed-use project consists of the same variety of uses, it is compatible and will blend well with the existing vicinity.

**COMPARITIVE SCALE
OF DEVELOPMENT**

SCALE OF DEVELOPMENT FACTORS	N. Side Ave G	S. Side Ave G	Legado Project**
Zoning	RMD*	RMD*	MU-3A
Average Density Units/Acre	50.12 DU/AC (maximum of 66.67 DU/AC and minimum of 26.67 DU/AC)	57.71 DU/AC (maximum of 66.10 DU/AC and minimum of 45 DU/AC)	54.90 DU/AC
Average F.A.R.	0.99	1.15	1.5
No of Stories	3	3	2 – 4
Height***	40	-	56

*RMD = Medium Density Residential

** The existing Hotel within the Project Site currently includes 4 stories, has a FAR of 1.43, and is approximately 50 feet in height.

***Additional structures within 1,500 ft of the project site are up to 50 ft in height.

The architectural term “scale of development” means the degree to which a new development provides, maintains and promotes continuity in terms of height, bulk, intensity and density in relation to surrounding buildings and uses.

The table above provides a comparison of the densities, F.A.R.s (intensity) and building heights of the residential development on Ave G (directly east of the project) with that of the proposed project. These are all factors that contribute to the scale development. Surprisingly, the residential density of the proposed project is similar to the density of development on Avenue G, whereas the F.A.R. and building height, as measured in stories and feet, is higher. This is not surprising or unexpected given the zoning of the property with its own unique objectives and its location on a major roadway and a busy

intersection. This discussion only summarizes some of the factors relevant to the aesthetic analyses conclusions in the Final MND and VIA; additional details on this analysis are provided therein.

VII. PROJECT ENTITLEMENT CRITERIA AND FINDINGS

CONDITIONAL USE PERMIT

Pursuant to RBMC Section 10-2.910 of the Zoning Ordinance any new development on a site zoned Mixed-Use (MU-3A) including multi-family residential units, requires the approval of a Conditional Use Permit. Approval of a Conditional Use Permit must generally meet certain criteria specified in RBMC 10-2.2506. The City's past interpretation of these provisions allows a balancing of these factors, consistent with *Santa Clarita Organization for Planning the Environment v. City of Santa Clarita* (2011) 197 Cal.App.4th 1042, 1059-1064.

These CUP Criteria include:

- The site for the proposed use shall be in conformity with the General Plan and shall be adequate in size and shape to accommodate such use and all setbacks, spaces, walls and fences, parking, loading, landscaping, and other features required by this chapter to adjust such use with the land and uses in the neighborhood. (RBMC § 10-2.2506(b)(1))
- The site for the proposed use shall have adequate access to a public street or highway of adequate width and pavement to carry the quantity and kind of traffic generated by the proposed use. (RBMC § 10-2.2506(b)(2))
- The proposed use shall have no adverse effect on abutting property or the permitted use thereof. (RBMC § 10-2.2506(b)(3))
- The conditions stated in the resolution or design considerations integrated into the project shall be deemed necessary to protect the public health, safety, and general welfare. Such conditions may include, but shall not be limited to:..." (RBMC § 10-2.2506(b)(4))

Based on a comprehensive analysis, the proposed project complies with the City's goals, policies, development standards (with the exception of the open space requirements) and regulations as contained in the Zoning Ordinance, the General Plan Land Use Element, the General Plan Housing Element, and the Density Bonus Law. It also can be considered to meet the criteria for the approval of a Conditional Use Permit. However, as described in greater detail below, pursuant to the City's Design Review procedures staff recommends that the Planning Commission require the project applicant to redesign the eastern four (4) story structure to break up the large, linear east/west mass to provide some relief to the adjacent residential uses.

PLANNING COMMISSION DESIGN REVIEW

Pursuant to Section 10-2.2502 of the Zoning Ordinance, any new development on a site zoned Mixed-Use (MU-3) that is 10,000 square feet in size or more, requires Planning Commission Design Review. The purpose of the Design Review is to look at the compatibility, originality, variety and innovation within the architecture, design, landscaping, and site planning of the project. The purpose of the review is also to protect surrounding property values, prevent blight and deterioration of neighborhoods, promote sound land use, design excellence, and protect the overall health, safety and welfare of the City. The CEQA analysis differs from the City's Design Review/CUP procedures. CEQA's analysis focuses upon impacts to the public at large (and not specific individuals/structures) and CEQA is based upon adverse environmental changes in comparison to existing conditions. The City's Design Review and CUP procedures allow for broader considerations in issuing project modifications, such considerations can include conditions: "to protect the public health, safety, and general welfare" and can address abutting property.

Design Review criteria include:

- **"User impact and needs.** The design of the project shall consider the impact and the needs of the user in respect to circulation, parking, traffic, utilities, public services, noise and odor, privacy, private and common open spaces, trash collection, security and crime deterrence, energy consumption, physical barriers, and other design concerns" (RBMC § 10-2.2502(b)(1)),
- **"Relationship to physical features.** The location of buildings and structures shall respect the natural terrain of the site and shall be functionally integrated with any natural features of the landscape to include the preservation of existing trees, where feasible." (RBMC §10-2.2502(b)(2)),
- **"Consistency of architectural style.** The building or structure shall be harmonious and consistent within the proposed architectural style regarding roofing, materials, windows, doors, openings, textures, colors, and exterior treatment" (RBMC § 10-2.2502(b)(3)),
- **"Balance and integration with the neighborhood.** The overall design shall be integrated and compatible with the neighborhood and shall strive to be in harmony with the scale and bulk of surrounding properties" (RBMC § 10-2.2502(b)(4)),
- **"Building design.** The design of buildings and structures shall strive to provide innovation, variety, and creativity in the proposed design solution. All architectural elevations shall be designed to eliminate the appearance of flat façades or boxlike construction..." (RBMC § 10-2.2502(b)(5))

Additional criteria/conditions can include: (a) Changes to the design of buildings and structures (10-2.2502(b)(8)(a)), such other conditions as will make possible the

development of the City in an orderly and efficient manner..." (RBMC § 10-2.2502(b)(8)(k).)

User impacts and needs

The site is strategically organized with the placement of the public and commercial spaces closest to the public right-of-way and the location of the private living and open spaces to the middle and rear of the site. In this way, residential areas are further away from public spaces and activities. Both pedestrian and vehicular access is provided onto the site from several locations on Pacific Coast Highway and Palos Verdes Boulevard. Internal circulation routes allow the residents direct access to their on-site parking facilities and private amenities as well as the public spaces and commercial services at the street level. Circulation routes for visitors driving to the site provide easy and direct access between the parking lot, the commercial use at ground level, and the public open space on the podium level. Pedestrian visitors to the site have direct access to the commercial storefronts and the public open space on the podium level.

The proposed project provides 614 parking spaces including 552 parking spaces on three levels of subterranean parking and 62 parking spaces on a surface lot south of the hotel. One parking space is provided for each studio and one-bedroom unit, and two spaces for each two-bedroom unit. There are also an additional 60 residential spaces available for a total of 308 residential parking spaces. The number of parking spaces provided for the commercial tenants and the hotel meets City's requirements. The exception is that fifteen (15) of the required hotels parking spaces located on the hotel's surface parking lot are tandem spaces. The hotel will be required to provide a valet service on an on-going basis if those spaces are to be considered as providing the adequate number of spaces for the hotel.

A loading area just east of the four (4) story residential structure is available for use by the residential tenants. A commercial loading area is located in the P1 parking level directly rear of the proposed market space. This loading can be accessed from the main driveway entrance on Pacific Coast Highway and the rear access road off of the easterly driveway on Palos Verdes Boulevard. Trash facilities for the commercial tenants and the residential tenants are provided in the P1 Level of the parking garage. Trash shutes are located directly above the residential trash areas located on the P1 level.

The implementation of an approved Security / Crime Prevention System will address the safety needs of the residents, guests and the adjacent neighbors

Relationship to Physical Features

The predominant physical feature of the existing lot is the downward slope of the existing grade towards the northwest corner of the site. The organization of the project

around the semi-subterranean podium is the most efficient solution for this design challenge.

The existing landscaping on the site is very limited. The proposed plan removes the existing landscaping and provides. It will be removed and replaced with new, larger landscaping areas, and planted with a greater quantity and a more appropriate planting palette.

The existing finish grades along the west side of the adjacent residential property to the east on Avenue G are equivalent to the highest existing grades along the east property line of the subject property. Consequently, the residential development east of the proposed project is situated on higher ground than the project site.

Consistency of the Architectural Style & Building Design

The architecture and overall design of the proposed project can be described as an eco-contemporary style that incorporates an aesthetic balance between cool materials such as glass, steel, and concrete and warm, traditional materials such wood and tiles. The design is characterized by the use of clean lines, flat roofs with overhangs, large expanses of windows, cantilevered spaces and a distinct lack of ornamentation. These design elements are used consistently throughout the commercial component, public and private open spaces and residential structures. While the scale of the project is similar to some of the structures in the Riviera Village, there are concerns regarding the compatibility of the eastern residential structure with the adjacent residential uses

The ecological aspect of the architecture consists of the use of wood and recycled materials as well as other green building components not readily recognizable or visible such as solar photovoltaic paneling on the roof; electric charging stations for electrical cars; bicycle parking to encourage less automobile use; low water flow restroom fixtures to reduce water waste; energy-efficient Energy Star appliances in apartment units; and a water-wise landscaping pallet.

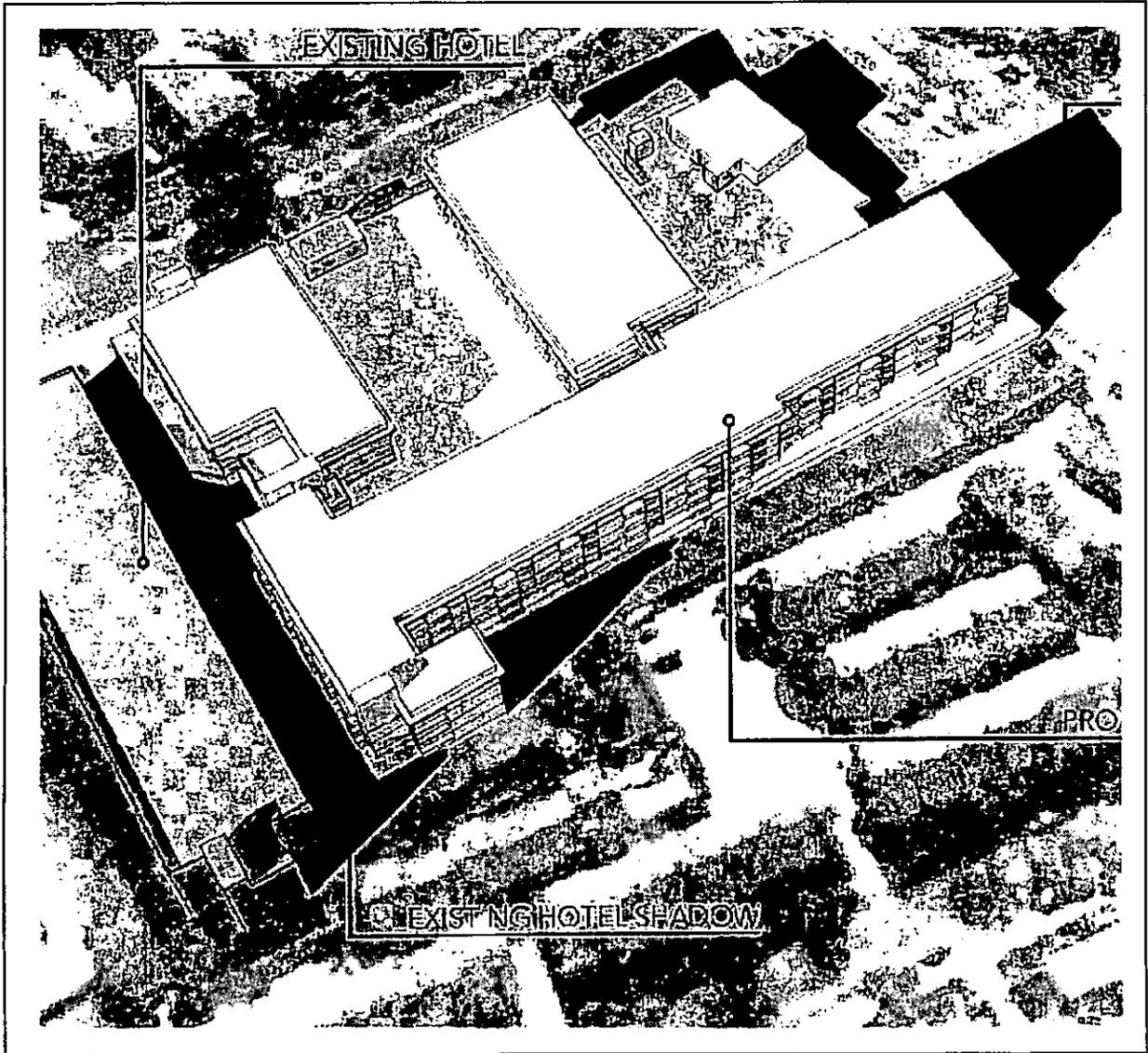
Planning staff will work with the project developer, the new hotel operator and their architectural team to ensure that the exterior modifications and signs for the hotel renovation are in keeping with the architectural design of the mixed-use component.

Balance and Integration with the Neighborhood

As noted above, this factor allows consideration of the overall design shall be integrated and compatible with the neighborhood and shall strive to be in harmony with the scale and bulk of surrounding properties. The term "massing" is related to bulk and refers to the shape and size of a building. But massing is more than just the width and height of a building or a description of the volume of space it occupies. It is more than the composition of a building or space; massing is something that we experience physically.

Achieving the right massing in design is a critical component in reaching the magical formula for a given building or project.

MASSING MODEL



SOURCE: Visual Impact Analysis, MIG Hogle-Ireland, March 2014

MASSING OF THE PROJECT

STRUCTURES / VARIABLE	Hotel	Podium	(N) One 3-Story	(S) One 3-Story	One 4-Story
No. of Stories	4	Semi-sub	3	3	4
Height (+ E.G.)	50'	AVG. 12'	Max. 50'	Max. 52'	Max.56'
Width / Depth	60' x 330'	375' x 270'	75' x150'	75' x 150'	65' x 390'
Lot Coverage	11%	54%	6%	6%	14%
Volume C.F.	990,000	1,215,000	560,000	585,000	1,420,000
Setbacks to PLs or Other Structures	E-15' S-70' W-25' N-10'	E-30' S-40' W-12' N-10'	E-120' S-45' W-28' N-150'	E-160' S-45' W-28' N-80'	E-30+ S-45' W-190' N-20'
Position N/S	South	Mid & North	Mid	Mid	Mid & North
Position E/W	East to West	East to West	West	West	East

NOTES:

1. These numbers are all averages and approximations since none of the structures are perfectly rectangular.
2. E.G.= Existing Grade
3. PL = Property Line

The massing variables and the positioning of the five structural elements are shown in the above Table. A brief discussion of the elements is provided below:

- On the south end of the site the existing four (4) story hotel creates a large, east/west, rectangular mass that provides the physical framework for the massing arrangement of the mixed-use components to the north. Its location 75 feet from the south property line diminishes the affect this mass has on the adjacent development to the south.
- The second element is the structural podium upon which the other three (s) structural elements are positioned. This structural element creates a horizontal plane across the site which intersects with the slope of the site; in other words, it provides a flat surface on a lot that slopes as much as 15 feet from east to west and 10 feet from north to south with the lowest point at the northwest corner of the site. The podium creates the outer physical edge of the project, where pedestrians on the public sidewalk interface with the physical mass of the project. The profile of this physical mass varies in height from 12 to 20 feet except for small areas where the height is closer to 30 feet from the sidewalk grade. This compares to walking along a commercial street lined with one (1) story and two (2) story buildings.

- Two (2) of the three (3) residential structures are medium in terms of their mass. Therefore, the location of these structures in a relatively central position on the site is appropriate.
- The four (4) story residential structure creates a large, north/south, rectangular mass. It is the tallest of the structures, has the most lot coverage (excluding the podium), and the highest volume of space. As such, its location along the east property line has the most effect on the existing abutting residential structures to the east.

In conclusion, the current massing of the project is appropriate with the exception of the four (4) story residential structure located along the east property line, which may feel overwhelming to the limited number of residences located immediately to the north. Staff recommends that the Planning Commission require the project applicant and architect develop some design solutions to break up that large, linear east/west mass.

Signs

There are two (2) sets of sign plans for the project; one provides concepts for project identification, and the other provides locations and design guidelines for facility signage and retail signage. The proposed project identification signs are appropriate in scale and design. However, they lack dimensions and other details. The design guidelines for the retail signage are appropriate and comprehensive with the exception of the details for the directional signs, which still need to be developed.

It is recommended that the applicant continue to work with the Planning staff to complete the signs plans with respect to missing dimensions, and other details such the design of the directional signs.

Conclusion of the Planning Commission Design Review

In conclusion, the proposed project can meet the criteria for the approval of a Planning Commission Design Review. However, staff recommends that additional modifications be made to (1) Redesign the eastern four (4) story structure to break up the large, linear east/west mass, and (2) Redesign of the project to incorporate an additional 1,300 square feet of open space, and (3) the project applicant be required to complete the proposed sign programs and that the sign programs be approved by the Planning department prior to issuance of Certificate of Occupancy.

VESTING TENTATIVE TRACT MAP

Vesting Tentative Tract Map No. 72662 consolidates the subject property for the purposes of developing it as a mixed-use project. The proposed Map meets the

requirements of Chapter 1, Subdivisions, Article 5 of the City's Zoning Ordinance, and the California State Subdivision Map.

FINDINGS FOR APPROVAL:

1. In accordance with Section 10-2.2506(b) of the Redondo Beach Municipal Code, a Conditional Use Permit is in accord with the criteria set forth therein for the following reasons:
 - a) The proposed use is permitted in the land use district in which the site is located, and the site is adequate in size and shape to accommodate the use and all yards, open spaces, walls, and fences, parking, landscaping and other features, and the project is consistent with the requirements of Chapter 2, Title 10 of the Redondo Beach Municipal Code, to adjust the use with the land and uses in the neighborhood.
 - b) The site has adequate access to public streets of adequate width to carry the kind and quantity of traffic generated by the proposed use provided that the project includes a street dedication and improvements for safe access to Pacific Coast Highway.
 - c) The proposed use shall have no adverse effect on abutting property or the permitted use thereof, subject to the conditions of approval with the exception of the eastern residential structure requires modifications.
 - d) The proposed project conforms to all of the requirements of the Zoning Ordinance.
 - e) The project is consistent with the Comprehensive General Plan of the City.

2. In accordance with Section 10-2.2502(b) of the Redondo Beach Municipal Code, the applicant's request for Planning Commission Design Review is consistent with the criteria set forth therein for the following reasons:
 - a) The design of the project considers the impact and needs of the user in respect to circulation, parking, traffic, utilities, public services, noise and odor, privacy, private and common open spaces, trash collection, security and crime deterrence, energy consumption, physical barriers, and other design concerns.
 - b) The location of the structure respects the natural terrain of the site and is functionally integrated with natural features of the landscape to include the preservation of existing trees, where feasible.

- c) The design of the project is harmonious and consistent within the proposed architectural style regarding roofing, materials, windows, doors, openings, textures, colors, and exterior treatment.
 - d) [To be updated after project modifications] The design of the project is integrated and compatible with the neighborhood and is in harmony with the scale and bulk of surrounding properties with the exception of the eastern residential structure of the mixed-use project, which is not in scale in terms of its mass and bulk with the residential uses directly east of the subject property on Avenue G.
 - e) [To be updated after project modifications] The design of the project provides innovation, variety, and creativity in the proposed design solution and serves to minimize the appearance of flat facades and box-like construction.
3. The requested density bonus, incentive (or concession) for the maximum building height, waiver of development standards for the maximum number of building stories and a reduction in parking standards are in compliance with Government Code Section 65915-65918 of State Law.
 4. The Vesting Tract Map 72662 is consistent with the Comprehensive General Plan of the City.
 5. The plans, specifications and drawings submitted with the applications have been reviewed by the Planning Commission, and are approved.
 6. The Planning Commission hereby finds that Mitigated Negative Declaration No. No. 2014-08-IES-MND-001 has been prepared and circulated in compliance with the provisions of the California Environmental Quality Act (CEQA), and the procedures set forth in the ordinances of the City of Redondo Beach.
 7. A Mitigation and Monitoring Reporting Program (MMRP) has been developed that includes a mitigation monitoring table listing the mitigation measures and identifies the timing and responsibility for monitoring each measure.
 8. The Planning Commission hereby finds that the proposed project will have no effect on fish and game resources pursuant to Section 21089(b) of the Public Resources Code.
 9. The Planning Commission further finds that in reviewing the Mitigated Negative Declaration No. 2014-08-IES-MND-001 it has exercised its own independent judgment.

10. The Planning Commission hereby finds and determines that the proposed project will not have a significant effect on the environment, subject to the modifications of the design review, conditions of approval and mitigation measures.

CONDITIONS:

1. That the approval granted herein is for the demolition of the 21,130 square-foot former Bristol Farm grocery store, the demolition of 7,224 square feet of in-line retail tenant spaces, the renovation of the existing 110-room hotel, and the construction of a new mixed-use project that consists of 180 residential units and approximately 37,600 square feet of commercial development with the required private open space and public open space and 614 parking spaces in substantial compliance with the plans approved by Planning Commission on March 19, 2015.
2. [To be updated after project modifications] The proposed total amount of public outdoor space as shown in the plans is approximately 26,241 square feet, about 1,300 square feet less than the required 10% of the project F.A.R., which is equivalent to 27,535 square feet. The applicant shall work with the Planning Department to revise the plans appropriately.
3. The precise architectural treatment of the building exterior, roof, walks, walls, and driveways shall be subject to Planning Department approval prior to issuance of a building permit.
4. [To be updated after project modifications] The project applicant shall provide the Planning Commission with a revised design that better addresses the building scale in terms of height, bulk, density and intensity in relation to surrounding buildings and uses of the (4) story residential structure to be located along the east property of the four residential structure located along the east property.
5. The applicant shall continue to work with the Planning staff to complete the sign plans with respect to missing dimensions, and other details such the design of the directional signs. The sign programs shall be approved by the Planning Department prior to issuance of Certificate of Occupancy.
6. The hotel shall be required to provide valet parking services on an on-going basis to ensure that the fifteen (15) tandem parking spaces located on the surface parking lot are used to the maximum extent possible.
7. The applicant will be required to provide a detailed security / crime prevention plan for review and approval by the City's Police Department that considers as a minimum secured gates for access to residential living areas and private open spaces; appropriate lighting to deter criminal activities in hard-to see areas, and

camera surveillance as needed. The approval of a security / crime prevention plan by the Police Department shall be required prior to the issuance of a building permit for the project.

8. The applicant shall provide complete landscaping plans including planting details and irrigations plans pursuant to the requirements of the Assembly Bill (AB) 1881, the Water Conservation in Landscaping Act of 2006 (Laird).
9. That the applicant shall provide the Planning Commission with the proposed exterior modifications and signs for the hotel renovation at a future date. That the review and approval of the hotel renovations by the Planning Commission shall occur prior to the issuance of a building permit for the hotel, and the issuance of a Certificate of Occupancy for the mixed-use project.
10. The City's newly adopted Public Art Ordinance requires the project applicant to provide a zoning requirement contribution equivalent of one percent (1%) of the building valuation above \$250,000. This zoning requirement contribution can take the form of: 1) an installation of public art on the subject property, commissioned by the developer, but subject to the approval of the City's Public Art Commission; 2) a request that the installation of public art on the subject property be commissioned and approved by the Public Art Commission; 3) an installation of public art on the subject property valued at less than the required 1% contribution and provide the balance of the 1% for the public art zoning requirement contribution to the John Parsons Public Art Fund; or 4) pay the zoning requirement fee to The John Parsons Public Art Fund to be used for future public art in public places as determined by the Public Art Commission based on the City's Public Art Master Program. If the decision regarding the public art contribution is not finalized prior to the issuance of a building permit, the project developer will be required to deposit the required 1% zoning requirement fee in a set aside account. The monetary deposit will be held by the City until such time as the public art contribution is satisfied. If the art contribution for the subject property is not satisfied within a one (1) year period from the date of the issuance of a construction permit, the monetary public art deposit will revert to the John Parsons Public Art Fund for future public art in public places as determined by the Public Art Commission based on the City's Public Art Master Program.
11. The project shall be prepared in accordance with the approved Standard Urban Storm Water Mitigation Plan (SUSMP) / Low Impact Development (LID), prepared for the subject site by Kimley-Horn & Associates. Inc., dated February 2014.
12. Color and material samples shall be submitted for review and approval of the Planning Department prior to the issuance of Building Permits.

13. The Vesting Tract Map shall be recorded within 36-months of the effective date of this resolution, unless an extension is granted pursuant to law. If said map is not recorded within said 36-month period, or any extension thereof, the map shall be null, void, and of no force and effect.
24. A Standard Urban Stormwater Mitigation Plan (SUSMP) shall be included on final plans and implemented during construction and the operation of the project.
25. The applicant shall comply with the following mitigation measures and the associated procedures listed in the MMRP.

AQ- 1 Low-VOC Paint. The applicant must use low-VOC paint on all interior and exterior surfaces. Paint should not exceed:

- 50 g/L for residential interior surfaces
- 100 g/L for residential exterior surfaces
- 150 g/L for non-residential interior and exterior surfaces

BIO- 1 Nesting/Breeding Native Bird Protection. To avoid impacts to nesting birds, including birds protected under the Migratory Bird Treaty Act, all initial ground disturbing activities, including tree removal, should be limited to the time period between August 16 and January 31 (i.e., outside the nesting season) if feasible. If initial site disturbance, grading, and vegetation removal cannot be conducted during this time period, a pre-construction survey for active nests within the project site shall be conducted by a qualified biologist at the site no more than two weeks prior to any construction activities. If active nests are identified, species specific exclusion buffers shall be determined by the biologist, and construction timing and location adjusted accordingly. The buffer shall be adhered to until the adults and young are no longer reliant on the nest site, as determined by the biologist. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area.

T-1 Palos Verdes Boulevard and Pacific Coast Highway. The following improvement identified in the Traffic Impact Study (Appendix F) shall be implemented:

Reconfigure the southbound Pacific Coast Highway approach from a left, through and shared through/right lane to a left, two through and right turn only lane.

The improvement shall be fully funded by the applicant and implemented prior to final inspection and the opening of the project. The Applicant shall

deposit funds for this measure with the City of Redondo Beach within two months of the approval of the Conditional Use Permit.

- U-1 Wastewater Conveyance.** The applicant shall fully fund the construction of a new downstream 12-inch mainline wastewater conveyance system connection to an alternative sewer shed by connecting manhole 3445 to manhole 3648 (approximately 300 linear feet). The applicant shall also fully fund an upgrade to the existing wastewater collection system between manhole 3447 and manhole 3446 (approximately 150 linear feet) to a 12-inch line. The Applicant shall deposit funds for this measure with the City of Redondo Beach within two months of the approval of the Conditional Use Permit and shall apply for a Caltrans Encroachment Permit. Construction in rights of way will require a Caltrans Encroachment Permit, which includes a Traffic Control Plan in compliance with Manual on Uniform Traffic Control Devices (MUTCD) [Traffic Control Plans Part 6]. These improvements must be implemented prior to final inspection and the opening of the project.
26. The applicant shall be required to adhere to the adopted Mitigation Monitoring and Reporting Program prepared in conjunction with approved Initial Environmental Study No. 2014-08-IES-MND-001 and Mitigated Negative Declaration No. 2014-08-IES-MND-001.
 27. The project shall be designed to provide sound attenuation between the units and the uses and noise generated by the vehicular traffic on Pacific Coast Highway, including dual-glazing and supplemental insulation, as determined necessary by an acoustical analysis.
 28. Prior to the issuance of building permits for this project, the Developer shall enter into an Affordable Housing Agreement with the City to provide and deed restrict nine (9) dwelling units as affordable for very low-income households for a period of not less than 30 years in accordance with all applicable state and local laws. The recorded Affordable Housing Agreement shall be binding on all future owners and successors in interest.
 29. The nine (9) units set aside for very low income households must be comparable with the other units provided in the project.
 30. That the applicant shall make a dedication of the subject property fronting onto South Pacific Coast Highway for the purpose of providing a twelve (12) foot wide public sidewalk as per Exhibit C1.00 of the approved plans as prepared by Kimley-Horn and Associates, January 30, 2015. The applicant shall also be responsible providing the public improvements in keeping with the City's adopted

Administrative Policy No. 12.2, Living Streets Guidelines and Policies for Redondo Beach (City Council Resolution No. 1310-095, October 1, 2013).

31. The applicant shall work with the City and adhere to Caltrans requirements to determine the appropriate length for the PCH southbound left turn pocket. The applicant shall prepare a design that appropriately balances the southbound PCH left turn pocket and the northbound Avenue I left turn pocket. The applicant shall restripe the lanes as appropriate based on Caltrans criteria and shall obtain a Caltrans permit for this work.

32. The applicant shall pay a fair share contribution* for the following proposed improvements at Pacific Coast Highway and Torrance Boulevard which shall include both Northbound and Southbound Intersection Improvements as described below. These physical improvements do not need to be in place prior to the issuance of the certificate of occupancy for the proposed project; however the funds shall be submitted to Caltrans prior to the issuance of a certificate of occupancy for the proposed project.
 - a) Northbound: To provide a separate north bound right turn lane to reduce congestion and improve the levels of service at this intersection. The physical limits of the improvements extend to approximately 300 feet south of the intersection. (The improvements include removing/relocating sidewalk along with curb and gutter, relocating traffic signal poles, and constructing a new street section with ADA curb ramp improvements.)

 - b) Southbound: To provide a separate south bound right turn lane to reduce congestion and improve the levels of service at this intersection. The physical limits of the improvements extend to 120 feet north of the intersection. (The improvements include removing/relocating sidewalk along with curb and gutter and a driveway approach, relocating traffic signal poles and bus stop improvements, and constructing a new street section with ADA curb ramp improvements.)

(*Calculation of fair share contribution: Total intersection volumes with the project are 3,909 vehicles during the AM peak hour and 4,642 vehicles during the PM peak hour. The project contributes 46 and 585 vehicle trips respectively. This equates to 1.2% of the morning peak hour traffic and 1.8% of the evening peak traffic. The project will contribute 1.2% of the cost for the northbound improvement and 1.8% of the cost for the southbound improvement.)

33. In exchange for the City's issuance and/or adoption of the Project Approvals, the Applicant agrees to save, keep, indemnify, hold harmless and defend the City of Redondo Beach (with counsel of City's choice), and its appointed and elected officials, officers, employees, and agents (collectively "City"), from every claim or demand made, including in particular but not limited to any claims brought

seeking to overturn the Project Approvals, whether under the California Environmental Quality Act ("CEQA") or other state or local law, including attorney's fees and costs, and any attorneys' fees or costs which may be awarded to any person or party challenging the Project Approvals on any grounds. In addition, Applicant agrees to save, keep, indemnify, hold harmless and defend the City of Redondo Beach (with counsel of City's choice), and its appointed and elected officials, officers, employees, and agents (collectively "City"), from every liability, loss, damage or expense of any nature whatsoever and all costs or expenses incurred in connection therewith, including attorneys' fees, which arise at any time, by reason of, or in any way related to the City's decision to grant the Project Approvals, or which arise out of the operation of the Applicant's business on the Property; provided, however, that in no case shall the Applicant be responsible for the active negligence of the City."

Construction Related Conditions:

34. The applicant shall provide on-site erosion protection for the storm drainage system during construction, to the satisfaction of the Engineering Department.
35. The applicants and/or their successors shall maintain the subject property in a clean, safe, and attractive state until construction commences. Failure to maintain the subject property may result in reconsideration of this approval by the Planning Commission.
36. In the event of a disagreement in the interpretation and/or application of these conditions, the issue shall be referred back to the Planning Commission for a decision prior to the issuance of a building permit. The decision of the Planning Commission shall be final.
37. All on-site litter and debris shall be collected daily.
38. Construction work shall occur only between the hours of 7 a.m. and 6 p.m. on Monday through Friday, between 9 a.m. and 5 p.m. on Saturday, with no work occurring on Sunday and holidays.
39. Material storage on public streets shall not exceed 48-hours per load.
40. The project developer and/or general contractor shall be responsible for counseling and supervising all subcontractors and workers to ensure that neighbors are not subjected to excessive noise, disorderly behavior, or abusive language.
41. Barriers shall be erected to protect the public where streets and/or sidewalks are damaged or removed.

42. Streets and sidewalks adjacent to job sites shall be clean and free of debris.
43. **CR-1 Unanticipated Discovery of Cultural Resources.** If archaeological or paleontological resources are encountered during ground-disturbing activities, work in the immediate area shall halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service 1983) or a paleontologist meeting the Society of Vertebrate Paleontology standards for a Qualified Professional Paleontologist (SVP 2010) shall be contacted immediately to evaluate the find. If the discovery proves to be an archaeological or paleontological resource, additional work such as data recovery excavation may be warranted pursuant to CEQA Section 21083.2. After the find has been appropriately mitigated, work in the area may resume. A Native American representative should monitor any archaeological field work associated with Native American materials
44. **GEO-1 Geotechnical Design Considerations.** The recommendations included on pages 12 through 27 in the 2013 *Geotechnical Engineering Exploration Update* conducted by Irvine Geotechnical, Inc. (Appendix G) related to soil engineering must be incorporated into the proposed project grading and building plans. The recommendations are related to:
- Site preparation (general grading specifications),
 - Foundation design (general conditions, spread footings, foundation settlement),
 - Retaining walls (general design-static loading, seismic surcharge, surcharge loading, subdrain, backfill),
 - Temporary excavations (shoring, lateral design of shoring, lagging, earth anchors, anchor testing, internal bracing, deflection monitoring),
 - Floor slabs and concrete decking,
 - Corrosion,
 - Drainage (onsite surface water filtration), and
 - Waterproofing.
45. **N-1 Equipment Mufflers.** During all project construction, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained residential-grade mufflers consistent with manufacturers' standards.
46. **N-2 Stationary Equipment.** All stationary construction equipment shall be placed (at a minimum of 50 feet from the adjacent residential structures) so that emitted noise is directed away from the nearest sensitive receptors.
47. **N-3 Equipment Staging Areas.** Equipment staging shall be located in areas that will create the greatest feasible distance between construction-related noise

sources and noise-sensitive receptors (at a minimum of 50 feet from the adjacent residential structures).

48. **N-4 Electrically-Powered Tools and Facilities.** Electrical power shall be used to run air compressors and similar power tools and to power any temporary equipment.
49. **N-5 Sound Barriers.** Temporary sound barriers shall be installed and maintained by the construction contractor between the construction site and sensitive residential receptors (residential buildings to the north) as needed during construction phases with high noise levels. Temporary sound barriers shall consist of either sound blankets capable of blocking approximately 20 dBA of construction noise or other sound barriers/techniques such as acoustic padding or acoustic walls placed on or in front of the existing residential buildings to the north of the project site that would reduce construction noise by approximately 20 dBA. Barriers shall be placed such that the line-of-sight between the construction equipment and adjacent sensitive land uses is blocked.
50. **Cross Walk Timing:** During construction associated with Mitigation Measure T-1 to widen Pacific Coast Highway, the signal timing on the roadway shall be adjusted with sufficient minimum crossing time for pedestrians to completely and safely cross the roadway surface. The flashing Don't Walk sign will be increased by 3.5 seconds on the south side of Pacific Coast Highway for a total of 18.5 seconds and by 1.3 seconds on the north side for a total of 19.3 seconds to accommodate the wider roadway width for crossing. Subsequent adjustments to pedestrian crossing sign timing may be made so long as they comply with the requirements of Caltrans or the California Department of Transportation.
51. The Planning Department shall be authorized to approve minor changes to any of the Conditions of Approval.

VIII. PROCEDURES FOR POTENTIAL DENIAL OF THE PROJECT

If the Planning Commission is interested in denial of the project, or a reduction in density, then Staff recommend following the procedures outlined below. These are preliminary conclusions on legal requirements that may be applicable to the project. However, this section should not be considered a waiver of the right to assert that these requirements are not applicable.

1. **Study of Denial** (Gov. Code § 65589.5(b)). The City should prepare "a thorough analysis of the economic, social, and environmental effects of [denial of the project]."

2. **Density Bonus Finding Requirements** (Gov. Code 65915(d)(1)). To deny a Density Bonus or the concession/incentives the city must make a written finding, based upon substantial evidence, of any of the following:
 - A. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c); or
 - B. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or
 - C. The concession or incentive would be contrary to state or federal law.
3. **Housing Development Project Finding Requirements** (Gov. Code § 65589.5(j)). To deny a “housing development project”⁵ or approve such a project at a reduced density the agency must find that both the following conditions exist:
 - A. “The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.”; and
 - B. “There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.”
4. **Regional Housing Needs Finding Requirements** (Gov. Code § 65863). No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other

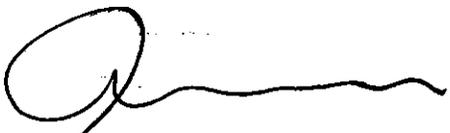
⁵ “Housing development project” includes “Mixed use development consistent of residential and nonresidential uses in which nonresidential uses are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories.” (Gov. Code 65589.5(h)(2).)

⁶ Staff do not believe the finding requirements under 65589.5(d) are applicable to the project because the project does not fall under the definition of “housing for very low, low-, or moderate-income households” which requires “at least 20 percent of the total unit shall be sold or rented to lower income households.” The project is only proposing 6% as very low income units.

action, reduce, or require or permit the reduction of, the residential density for any parcel to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g),⁷ unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:

- A. The reduction is consistent with the adopted general plan, including the housing element.
- B. The remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584.

Prepared by:



Anita Kroeger
Senior Planner

Approved by:



Aaron Jones
Community Development Director

cc.

HARD COPIES:

- 1. Full Scale Architectural Drawings (including Landscaping Plans L1.0 – L1.2)
 - a. Sign Program
 - b. Signage Concepts
 - c. Lighting Concepts
 - d. Replacement Sheet A5.1
 - e. Set of Renderings
- 2. Vesting Tentative Tract Map
- 3. Applications
- 4. Final Initial Study – Mitigated Negative Declaration (IS-MND)(specified Appendices only)
 - Appendix F - Traffic Impact Analysis (without the Appendices A-H)
 - Appendix J - Response to Comments (RTC)

⁷ “[L]ower residential density” means the following: (A) For sites on which the zoning designation permits residential use and that are identified in the local jurisdiction’s housing element inventory described in paragraph (3) of subdivision (a) of Section 65583, fewer units on the site than were projected by the jurisdiction to be accommodated on the site pursuant to subdivision (c) of Section 65583.2. (B) For sites that have been or will be rezoned pursuant to the local jurisdiction’s housing element program described in paragraph (1) of subdivision (c) of Section 65583, fewer units for the site than were projected to be developed on the site in the housing element program.

- Appendix K – Mitigation Measure Monitoring & Reporting (MMRP)
- 5. Public Art Funding Ordinance No.3127-14
- 6. State Density Bonus Law, Government Section 65915-65918

❖ **ELECTRONIC COPIES ON USB FLASHDRIVES**

- 1. Full Scale Architectural Drawings
 - a. Sign Program
 - b. Signage Concepts
 - c. Lighting Concepts
 - d. Replacement Sheet A5.1
 - e. Set of Renderings
- 2. Vesting Tentative Tract Map
- 3. Applications
- 4. Final IS-MND
 - Appendix A – Site Plans and Elevations
 - Appendix B – Visual Impact Assessment (VIA)
 - Appendix C – Lighting Plan
 - Appendix D- Air Quality and Greenhouse Gas Emissions Modeling Results
 - Appendix E – Noise Measurements, Operational Noise Modeling Results
 - Appendix F - Traffic Impact Analysis (with the Appendices A-H)
 - Appendix G – Geotechnical Engineering Study
 - Appendix H – Preliminary Standard Urban Stormwater Mitigation Plan (SUSMP) / Low Impact Development (LID)
 - Appendix I – Phase 1 Environmental Site Assessment
 - Appendix J - Response to Comments (RTC)
 - Appendix K - – Mitigation Measure Monitoring & Reporting (MMRP)
- 5. Public Art Funding Ordinance No.3127-14
- 6. State Density Bonus Law, Government Section 65915-65918

July 16, 2015 Administrative Report
Legado Mixed-Use Project



Administrative Report

Planning Commission Hearing Date:

July 16, 2015

AGENDA ITEM: 8 (PUBLIC HEARING)

PROJECT LOCATION: 1700 SOUTH PACIFIC COAST HIGHWAY

PROJECT LOCATION: 1700 SOUTH PACIFIC COAST HIGHWAY

APPLICATION TYPE: CONSIDERATION OF ADOPTION OF A (REVISED) MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY (IS-MND), AND MITIGATION MONITORING AND REPORTING PROGRAM, (REVISED) CONDITIONAL USE PERMIT, PLANNING COMMISSION DESIGN REVIEW INCLUDING LANDSCAPE AND IRRIGATION PLANS, AND SIGN REVIEW AND VESTING TENTATIVE TRACT MAP NO. 72662 FOR THE LEGADO MIXED USE DEVELOPMENT

CASE NUMBER: 2015-03-PC-005

APPLICANT'S NAME: LEGADO

APPLICANT'S REQUEST AS ADVERTISED:

Consideration of the approval/certification of a (Revised) Final Mitigated Negative Declaration/Initial Environmental Study (IS-MND), and Mitigation Monitoring and Reporting Program (including Modified Mitigation Measures), a Conditional Use Permit, Design Review, Landscape and Irrigation Plan, Sign Review, and a Minor Subdivision (Vesting Tentative Tract Map No. 72662) to permit the construction of a mixed-use project with 149 residential apartment units, (a reduction from 180 units) and approximately 37,000 square feet of neighborhood-serving commercial development (a decrease from 37,600) with a total of 649 parking spaces (an increase from 614) at a maximum height of three stories and 45 feet above existing grade (a reduction from four stories and 56 feet), and the renovation of an existing 110-room hotel, on property located within a Mixed Use (MU-3A) zone, located at 1700 South Pacific Coast Highway.

DEPARTMENT'S RECOMMENDATION:

The Community Development Department recommends that the Planning Commission make the findings as set forth in the staff report and the attached Draft Resolution, approve/certify the (Revised) Final Mitigated Negative Declaration/Initial Environmental Study and Mitigation Monitoring and Reporting Program, a Conditional Use Permit, a

Design Review, the Landscape and Irrigation Plan, the Sign Review for a (revised) mixed-use project with 149 units, and a Minor Subdivision (Vesting Tentative Tract Map No. 72662) subject to the findings and conditions as contained in the staff report.

I. BACKGROUND INFORMATION

On March 19, 2015, a Public Hearing was held on the proposed project. At that meeting Staff presented a project overview and discussed the requested entitlements, (See attached Administrative Staff Report, dated March 19, 2015, and Planning Commission Minutes dated March 19, 2015.) This was followed by a presentation from the applicant and a brief report regarding the applicant's community outreach efforts. Following questions from the Planning Commission, public testimony was taken from forty-six (46) individuals.

Thereafter, the Planning Commission continued the Public Hearing to May 21, 2015 to allow the applicant time to address issues and concerns raised by the Planning Commission, and the public during the public hearing. The primary issues and concerns included the need to:

- Perform additional outreach and engage the community
- traffic impacts of the project and the effectiveness of the required traffic mitigation
- Provide a security / crime prevention plan and program
- Address potential noise including mechanical equipment and access driveway impacts
- Consider design revisions to break up the large, linear east/west mass of the proposed structure

As of the deadline for the May 21, 2015 meeting the applicants were not able to provide the necessary revised plans and information for Planning Commission consideration. Therefore, the item was postponed and a notice of postponement was published.

During the intervening time the applicant has assigned Ki Ryu as a new representative for Legado. This has resulted in some difficulty in Staff obtaining information and drawings that were previously promised. Since this change in project management, Staff has been extensively engaged in ensuring that the Planning Commission receives all plans, materials and information necessary from the applicant to render a decision on this project.

In order that the Planning Commission has a complete understanding of the significant project modifications that have taken place since the last consideration of this project it is important that Staff provides the following synopsis of actions taken.

After the Planning Commission meeting the applicant met with Staff to consider options to revise the design while retaining the proposed 180 units. Staff met with the Legado

team, consisting of Heather Lee (Developer Representative), Fernando Villa (Legado Legal Counsel), Henry Rogers (Community Outreach Consultant), and Julie Oakes (Architect), on five (5) occasions to discuss the concerns and issues that were raised during the March 19, 2015 Public Hearing. The discussions focused on possible options to reconfigure the project and attempt to retain the requested 180 unit count. The need for community outreach and engagement and the needs for a detailed security plan and additional acoustical studies were also discussed. (See attached “Summary of Meetings regarding Options for 180 Units” for more details.)

After examining at least 5 options for reconfiguration it was determined that none of the reconfigurations sufficiently addressed concerns of the large, linear east/west building mass. This opinion was communicated to the applicant, and suggestions were made for consideration of further significant reductions.

REVISED PLANS WITH 149 UNITS:

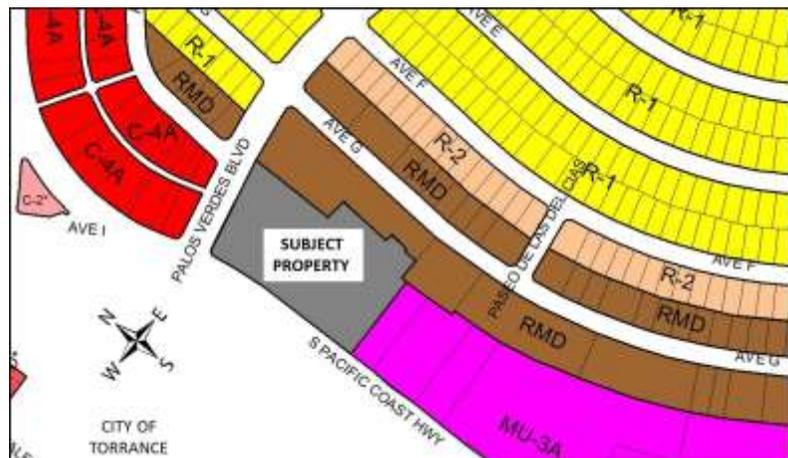
On June 4, 2015, the Planning Division was informed by Legado that they intended to submit a revised project proposal that would be code compliant in all respects including building height¹ and with no more than 149 units. They withdrew their request for a Density Bonus (“DBL”) and the commensurate incentives and concessions for building height, story and parking, and they requested that the continued public hearing scheduled for May 21, 2015 be re-scheduled to the June 18 Planning Commission meeting.

Based on this request the Planning Division notified the public that the May 21, 2015 hearing was ‘postponed’. The revised project was then noticed in the Easy Reader on July 2, 2015. All individuals on our mailing list for this project were also sent notifications of the public hearing.

II. DESCRIPTION AND EVALUATION OF REVISED PROJECT

A detailed description of the subject property, the existing development, and surrounding community is provided in the attached Administrative Report, dated March 19, 2015.

In brief, the 4.275 acre project site is currently developed with a 69,000 square foot (SF) 110-room hotel (Palos Verdes Inn) and 28,354 square feet (SF) of retail space, consisting of a 21,130 square foot (SF) former Bristol Farms grocery store and 7,224 SF of other retail spaces.



¹ Height is defined in Redondo Beach Municipal Code Section 10-2.402(a)(29).

The project includes the demolition of all on-site retail space, the new construction of a mixed-use development project along with the renovation of the existing hotel.

The revised mixed-use development project (“Revised Project”) is a down-sized variation of the original project (“Original Project”). It consists of 149 market rate residential rental units and approximately 37,000 SF of neighborhood-serving commercial development. A total of 649 parking spaces are provided with 587 parking spaces located in a subterranean parking structure and 62 spaces in an existing surface parking lot located directly south of the Palos Verdes Inn (“PV Inn”). The project is substantially lower in overall height and story than the Original Project.

The following table (Table 1) summarizes the changes between the Original Project, and the Revised Project.

TABLE 1
SUMMARY OF CHANGES

	Original Project in the MND	Revised Project	Difference between Original and Revised
Units Total	180	149	31 less
Studio	34	0	34 less
One Bedroom	78	87	9 more
Two Bedroom	68	62	6 less
Restaurant/Cafe	7,600	8,600	Increase of 1000 SF
Retail	6,000	5,600	Decrease of 400
Market	24,000	22,800	Decrease of 1,200
Parking Required	548	649	101 more*
Parking Provided	614	649	35 more
Public Open Space	26,241	26,752	511 sq. ft. more
Private Open Space	48,995	33,580	15,415 SF less**
Total (SF) including the existing Hotel	278,727 SF	267,572 SF	11,155 SF less
FAR	1.5	1.5	4% reduction
Stories	4 stories	2-3 stories	1-2 stories lower
Height at highest point	56 feet	Mostly 38 feet; 45 feet in limited areas	11-18 feet lower

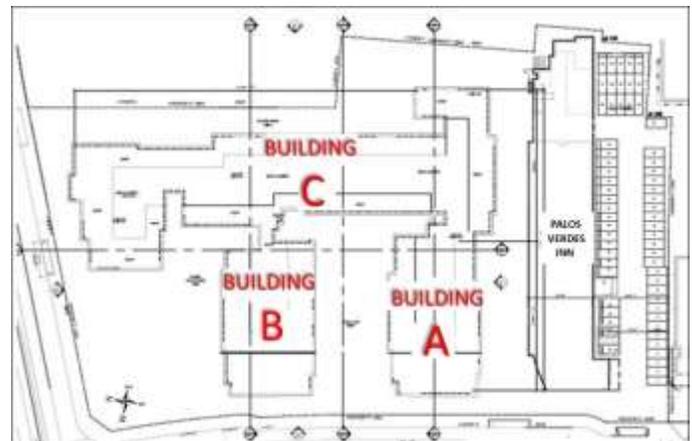
- * The Original Project was parked under a reduced parking standard as per the State DBL.
- **The SF of the Private Open Space is the same per unit. The total is reduced based on the reduction in total number of units.

The Original Project proposed 180 residential units, 37,600 SF of commercial space and the renovation of an existing 110 room hotel. The Original Project included 614 parking spaces. The project requested entitlements under the provisions of the State's DBL under SB 1818, which required the Original Project to provide nine (9) very low income units in exchange for the right to increase the project density by 22% and to receive one incentive. The incentive allowed for an increase in the maximum building height from 45 feet to 56 feet and included a waiver of the development standard for maximum number of stories allowing the applicant to request to develop the project with four (4) stories instead of three (3) stories and exceed the allowable height. By operation of law the DBL also allowed the project to provide a reduced parking standard for residential units equivalent to one (1) parking space for every studio and one (1) bedroom unit. The City's requirement is to provide two (2) enclosed parking spaces per unit regardless of its size or number of bedrooms, and one (1) guest parking space for every three units.

The Revised Project does not rely on the DBL; it has been redesigned to meet the City's development standards and regulations for a mixed-use development in a MU-3A zone. The Revised Project complies with the City's General Plan objectives and policies as contained in the Housing Element, Land Use Element and Circulation Element, for this subject property. The Revised Project with 149 residential units is in compliance with the allowable density. The residential units will be developed as rental units available at market rate rents. The size, square footage ("SF") of commercial tenant space is 37,000 SF including 22,800 SF planned as a market, 5,600 SF of retail shops and 7,600 SF of restaurant and café space. The locations and configuration of the tenant spaces have remained essentially the same in the Revised Project as in the Original Project.

The City Planning Commission recently amended the Zoning Ordinance to reduce allowable heights in Mixed Use Districts to require that projects be designed to maximum heights between 38'-45'. The Revised Project is designed to provide that 77% of the maximum ridgeline elevations are below 38 feet above existing grade. A total of 23% of the project ridgeline elevations are between the height of 38'-0" and 45'-0" and no portion is above 45 feet as shown on Sheet A2.2, the Grade Plane/Height Exhibit.

To assist the Planning Commission in fully understanding the Revised Project the three (3) residential components have been labeled A, B, and C.



The Revised Project modifies the exit stairways at the southerly ends of Building A and B (facing PCH). These components have been moved further back into the buildings and the portions of the buildings closest to PCH have been lowered to two (2) stories. The combined effect is that the mass and bulk of west-facing PCH elevations has been minimized.

Building C, the most easterly residential structure, was four (4) stories high in the Original Project. This building is now three (3) stories with a maximum height of 38'-0" as measured from existing grade. The redesign of Building C also incorporates significant architectural enhancements along the easterly façade by additional building offsets that provide added visual benefits and architectural interest.

Both Staff and the Planning Commission had expressed particular concern with Building C as it related to adjacent residential development. In Staff's opinion the revisions as proposed by the applicant to reduce the project by a full story and add features to the architectural design address the concerns raised regarding this project component.

The total size of the public open space has increased slightly in the Revised Project from 26,241 SF to 26,752 SF (see Sheets A2.4.1 and A2.4.2).

The corner plaza (Area 'B' on Sheet A2.4.1) continues to be a feature of the Revised Project. The Revised Project has additional public open space areas along PCH including two (2) areas on the hotel portion of the site (Areas 'D' and 'E'), and the public corridor (Area 'C') that provide access from the sidewalk to the public parking spaces located behind the commercial tenant spaces. This corridor, with a proposed market on one side and café and retail space on the other, will allow those businesses to provide seating opportunities and to attract patrons in a marketplace like setting.



The public open space located on the upper level is slightly reduced in the Revised Project by 5,230 SF. However, at 9,270 SF it is reasonable in size and will provide the public with a pleasant outdoor setting and significant views to the west and the north. The podium level restaurant and outdoor dining area will have the best views. While there were many discussions between the City and the Legado Team about pushing the restaurant further back into the project so as to reserve the best unobstructed views for the public, this modification was rejected because the placement of a restaurant with outdoor dining in closer proximity to the residential units would increase the potential for conflict between the proposed uses.

The Revised Project reduces the overall amount of private open space for the residents from 48,995 SF to 33,580 SF. However, the amount of private open space in size is a

direct result of the reduction in the number of units. There are two (2) private residential open spaces including the resident's pool area and gym facilities that is 10,959 SF in size, much like in the Original Project, and a more passive landscaped area, that is 2,273 SF in size.

Both the public open space and private open space provided in the Revised Project meet or exceed the City's zoning code requirements.

The overall floor area of the project has been reduced from 278,727SF to 267,572 SF mostly due to the reduction in number of dwelling units.

With the reduction in the number of residential units from 180 units to 149 units, the size of the units has increased and the mix of unit types has changed. The Original Project included 16 Studios, with unit sizes ranging from 478 SF for the Studios, 656–751 SF for the 96 one-bedroom units, and 979–989 square feet for the 68 two-bedroom units. The Revised Project has eliminated the Studios, and has 87 one-bedroom units ranging in size from 642-872 SF. The two-bedroom units range in size from 991-1,091 SF.

The Revised Project retains some of the overall character, architectural style, site layout and functional organization of the Original Project. However, the Revised Project is substantially smaller in apparent size, mass, scale, and bulk in response to community and Commission concerns. In addition, the project incorporates another level of subterranean parking (P3), at a substantial cost to address community concerns about the adequacy of on-site parking. The Revised Project now provides the full parking requirement as set forth in the City's Zoning Ordinance.

The proposed architectural style of the Revised Project has been retained as 'South Bay' eco-contemporary. This type of architecture reflects current trends and current and future resident preferences as has been observed in the greater South Bay real estate market. The overall design of the project is appropriate in light of the need to encourage and promote environmental sustainability and to design buildings to capitalize on environmental opportunities given site characteristics. In this case, the Revised Project proposes a design utilizing high quality materials and incorporating passive and active design features that enhance sustainability. The project will be significantly more resource efficient than any buildings constructed under prior building codes.

The overall approach to the Revised Project landscaping, hardscape, furnishing and lighting plans is essentially the same. The design is considered to be appropriate for the Revised Project (see the Administrative Report dated March 19, 2015 for comments and an evaluation of these aspects of the project).

The sign program concept as revised for the Proposed Project is essentially the same as in the Original Project. The proposed types, sizes, content and locations of the signs, shown in concept, are appropriate and compatible with the other design components of the Revised Project.

The renovation of the existing 110-room hotel, in the Revised Project is the same as in the Original Project. If and when the overall Revised Project is approved, the applicant has stated that they will partner with a hotel management company with whom they will develop exterior and interior exterior remodeling plans.

The Revised Project includes the same green building/sustainable design features as the Original Project.

In summary, the Revised Project meets all of the development standards for a mixed-use project on the subject property zoned MU-3A. In Staff's opinion the revised design addresses concerns raised by the Planning Commission and those concerns raised in public testimony. Therefore, Staff is recommending that the Planning Commission consider the following findings.

III. PROJECT ENTITLEMENT CRITERIA AND FINDINGS CRITERIA

CONDITIONAL USE PERMIT

Pursuant to RBMC Section 10-2.910 of the Zoning Ordinance any new development on a site zoned Mixed-Use (MU-3A) including multi-family residential units, requires the approval of a Conditional Use Permit. Approval of a Conditional Use Permit must generally meet certain criteria specified in RBMC 10-2.2506. The City's past interpretation of these provisions allows a balancing of these factors, consistent with *Santa Clarita Organization for Planning the Environment v. City of Santa Clarita* (2011) 197 Cal.App.4th 1042, 1059-1064.

These CUP Criteria include:

- The site for the proposed use shall be in conformity with the General Plan and shall be adequate in size and shape to accommodate such use and all setbacks, spaces, walls and fences, parking, loading, landscaping, and other features required by this chapter to adjust such use with the land and uses in the neighborhood. (RBMC § 10-2.2506(b)(1))
- The site for the proposed use shall have adequate access to a public street or highway of adequate width and pavement to carry the quantity and kind of traffic generated by the proposed use. (RBMC § 10-2.2506(b)(2))
- The proposed use shall have no adverse effect on abutting property or the permitted use thereof. (RBMC § 10-2.2506(b)(3))
- The conditions stated in the resolution or design considerations integrated into the project shall be deemed necessary to protect the public health, safety, and general welfare...." (RBMC § 10-2.2506(b)(4))

Based on a comprehensive analysis, the proposed project complies with the City's goals, policies, development standards and regulations as contained in the Zoning Ordinance, the General Plan Land Use Element, the General Plan Housing Element, and the Density Bonus Law. It meets the criteria for the approval of a Conditional Use Permit.

PLANNING COMMISSION DESIGN REVIEW CRITERIA

Pursuant to Section 10-2.2502 of the Zoning Ordinance, any new development on a site zoned Mixed-Use (MU-3) that is 10,000 square feet in size or more, requires Planning Commission Design Review. The purpose of the Design Review is to look at the compatibility, originality, variety and innovation within the architecture, design, landscaping, and site planning of the project. The purpose of the review is also to protect surrounding property values, prevent blight and deterioration of neighborhoods, promote sound land use, design excellence, and protect the overall health, safety and welfare of the City. The CEQA analysis differs from the City's Design Review/CUP procedures. CEQA's analysis focuses upon impacts to the public at large (and not specific individuals/structures) and CEQA is based upon adverse environmental changes in comparison to existing conditions. The City's Design Review and CUP procedures allow for broader considerations in issuing project modifications, such considerations can include conditions: "to protect the public health, safety, and general welfare" and can address abutting property.

Design Review criteria include:

- **"User impact and needs.** The design of the project shall consider the impact and the needs of the user in respect to circulation, parking, traffic, utilities, public services, noise and odor, privacy, private and common open spaces, trash collection, security and crime deterrence, energy consumption, physical barriers, and other design concerns" (RBMC § 10-2.2502(b)(1)),
- **"Relationship to physical features.** The location of buildings and structures shall respect the natural terrain of the site and shall be functionally integrated with any natural features of the landscape to include the preservation of existing trees, where feasible." (RBMC §10-2.2502(b)(2)),
- **"Consistency of architectural style.** The building or structure shall be harmonious and consistent within the proposed architectural style regarding roofing, materials, windows, doors, openings, textures, colors, and exterior treatment" (RBMC § 10-2.2502(b)(3)),
- **"Balance and integration with the neighborhood.** The overall design shall be integrated and compatible with the neighborhood and shall strive to be in harmony with the scale and bulk of surrounding properties" (RBMC § 10-2.2502(b)(4)),
- **"Building design.** The design of buildings and structures shall strive to provide innovation, variety, and creativity in the proposed design solution. All architectural elevations shall be designed to eliminate the appearance of flat façades or boxlike construction..." (RBMC § 10-2.2502(b)(5))

Additional criteria/conditions can include: (a) Changes to the design of buildings and structures (10-2.2502(b)(8)(a)), such other conditions as will make possible the development of the City in an orderly and efficient manner..." (RBMC § 10-2.2502(b)(8)(k).)

User impacts and needs

The site is strategically organized with the placement of the public and commercial spaces closest to the public right-of-way and the location of the private living and open spaces to the middle and rear of the site. In this way, residential areas are further away from public spaces and activities. Both pedestrian and vehicular access is provided onto the site from several locations on Pacific Coast Highway and Palos Verdes Boulevard. Internal circulation routes allow the residents direct access to their on-site parking facilities and private amenities as well as the public spaces and commercial services at the street level. Circulation routes for visitors driving to the site provide easy and direct access between the parking lot, the commercial use at ground level, and the public open space on the podium level. Pedestrian visitors to the site have direct access to the commercial storefronts and the public open space on the podium level.

The proposed project provides 649 parking spaces including 587 parking spaces on three levels of subterranean parking and 62 parking spaces on a surface lot south of the hotel.

A loading area just east of the story residential structure is available for use by the residential tenants. A commercial loading area is located in the P1 parking level directly rear of the proposed market space. This loading can be accessed from the main driveway entrance on Pacific Coast Highway and the rear access road off of the easterly driveway on Palos Verdes Boulevard. Trash facilities for the commercial tenants and the residential tenants are provided in the P1 Level of the parking garage. Trash shutes are located directly above the residential trash areas located on the P1 level.

The implementation of an approved Security / Crime Prevention System addresses the safety needs of the residents, guests and the adjacent neighbors.

Relationship to Physical Features

The predominant physical feature of the existing lot is the downward slope of the existing grade towards the northwest corner of the site. The organization of the project around the semi-subterranean podium is the most efficient solution for this design challenge.

The existing landscaping on the site is very limited. The proposed plan removes the existing landscaping and replaces it with new, landscaped areas, and planted with a greater quantity and a more appropriate plant palette.

The existing grades along the west side of the adjacent residential property to the east on Avenue G vary in elevation, but are generally substantially higher than the highest existing grades along the east property line of the subject property. Consequently, the residential development east of the proposed project is situated on much higher ground than the project site.

Consistency of the Architectural Style & Building Design

The architecture and overall design of the proposed project can be described as an eco-contemporary style that incorporates an aesthetic balance between cool materials such as glass, steel, and concrete and warm, traditional materials such wood and tiles. The design is characterized by the use of clean lines, flat roofs with overhangs, large expanses of windows, cantilevered spaces and a distinct lack of ornamentation. These design elements are used consistently throughout the commercial component, public and private open spaces and residential structures. The scale of the Revised Project is appropriate and compatible in the neighborhood context.

The ecological aspect of the architecture consists of the use of wood and recycled materials as well as other green building components not readily recognizable or visible such as solar photovoltaic paneling on the roof; electric charging stations for electrical cars; bicycle parking to encourage less automobile use; low water flow restroom fixtures to reduce water waste; energy-efficient Energy Star appliances in the units; and a water-wise landscaping pallet.

Staff will work with the project developer, the new hotel operator and their architectural team to ensure that the exterior modifications and signs for the hotel renovation are in keeping with the architectural design of the mixed-use component.

Balance and Integration with the Neighborhood

The Revised Project addresses all concerns raised through the following revisions:

The Revised Project is now three (3) stories high with a maximum of 45'-0" in height. This resembles the other structures in the surrounding areas. The lowering in height of the project by 11'-18', and the fact that 77 percent of the project is now at or below 38' have enabled a finding of balance and integration with the neighborhood.

Signs

The overall project approach to signage as reflected in the conceptual sign design package proposed by the applicant is modest and reasonable. Staff is recommending that the final sign design plan be administratively approved should the Planning Commission approve the proposed project. The final sign design package would be returned to the Planning Commission in the event of a disagreement.

The Revised Project meets the criteria for the approval of a Planning Commission Design Review subject to the conditions recommended.

IV. PUBLIC RIGHT-OF-WAY DEDICATION

The Revised Project will provide public right-of-way dedication and improvements along the frontage of South Pacific Coast Highway, (see Sheet C1.00) required for the purpose of providing a 12'-0" wide public sidewalk in keeping with the City's adopted Administrative Policy No. 12.2, Living Streets Guidelines and Policies for Redondo Beach (City Council Resolution No. 1310-095, October 1, 2013). This requirement remains the same as the Original Project.

V. VESTING TENTATIVE TRACT MAP

Vesting Tentative Tract Map No. 72662 consolidates the subject property for the purposes of developing it as a mixed-use project. The proposed Map meets the requirements of Chapter 1, Subdivisions, Article 5 of the City's Zoning Ordinance, and the California State Subdivision Map. No change is necessary for the Revised Project.

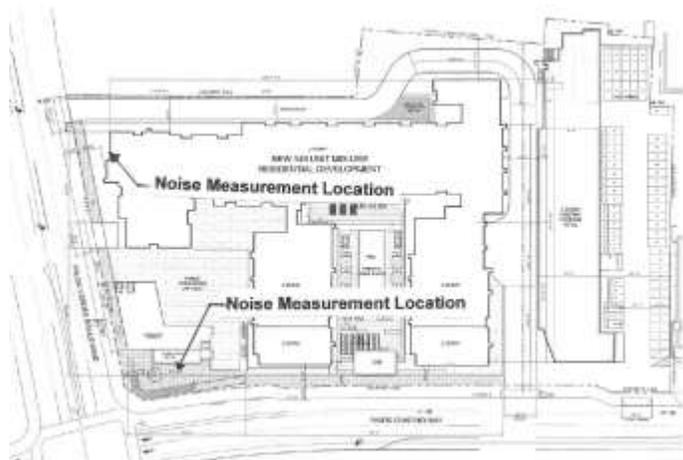
VI. DEVELOPER COMMUNITY OUTREACH EFFORTS:

The Planning Commission strongly suggested that the applicant meaningfully engage the community in a public outreach effort. The applicant's response was to conduct a series of three (3) community outreach events (open houses) held on site at the PV Inn on April 11th, April 25th, and May 30th. The applicant's team included the former project representative Heather Lee, Architects Julie and Lee Oakes, Land Use Attorney Fernando Villa, LEED Consultant Travis Cage, and the PEAR Strategies outreach team members Henry Rogers and Weston LaBar. It is Staff's understanding that several other individuals assisted the applicant's team.

A detailed report regarding the community outreach has been provided by PEAR Strategies, Legado's outreach consultants (see the attached Community Outreach Report dated June 3, 2015).

VII. NOISE – ACOUSTICAL STUDIES:

In response to concerns regarding rooftop HVAC (heating, ventilation, and air conditioning) noise the applicant enlisted the services of Davy & Associates, Inc., a highly qualified acoustical consultant to further assess the noise. Two (2) separate sets of analyses were provided. The results of that analysis demonstrate that neither



the rear access roadway nor the project's mechanical equipment will result in noise impacts. As an initial matter, under CEQA, impacts are based upon a comparison to existing conditions. The existing structures on-site currently include HVAC systems, some of which are located approximately 40 feet from the residential structures to the north/west of the project. As also described in the MND, under existing conditions the parking lot directly abuts the northern wall in close proximity to the northern residential units; the majority of noise in the vicinity of the project site is associated with existing traffic and parking lot activities. With implementation of the proposed project, many of these existing parking lot noise sources would occur underground (and be inaudible). This topic was addressed on page 72 of the Final MND.

Mechanical Equipment Noise

The Acoustical Analysis, referred to as JN2015-05B, examines the impacts of the rooftop mechanical equipment against the City's standard for both exterior and interior noise limits. This analysis examines the noise impacts of the mechanical equipment on the surrounding residences. The analysis is based on an estimate of 108 roof-mounted heat pump units in seven (7) locations with a worst case scenario of 69 dBA for each unit and an assumption that the pumps will run for more than an hour at a time and that they will all be running at the same time. Calculating the effects of distance to the residences located to the east and north, it is expected that the noise levels from the equipment will meet the maximum allowable interior noise limit of 40 dB during nighttime conditions.

In conclusion, the noise impacts of the rooftop mechanical equipment will meet the City of Redondo Beach Noise Ordinance for exterior and interior noise limits on the surrounding residential developments.

VIII. SECURITY/CRIME PREVENTION:

As discussed in Section XIV(a)(ii) of the Final MND, the proposed project would be required to comply with all police department requirements, including the requirements for building access and security for subterranean parking garages. Project security is addressed through a number of methods, including secured gates for access to residential living areas and private open spaces, appropriate lighting to deter criminal activities in hard-to-see areas, and camera surveillance. (See also RBMC 10-2.912(a)(2) and (3) and 10-1706(c)(10) [security regulations, including lighting for outdoor and parking areas, separate residential access, hallways, and balconies].) Further Input from the Police Department was requested regarding a comprehensive approach towards security and the prevention of crime at the proposed project. After several discussions were had with the Police Department and the applicant, they (Legado) agreed to the following additional security / crime prevention conditions:

- Submit a garage gate design and type that ensures separation between the residential and commercial parking locations.

- Provide specifications on security hardware to be installed on all residential balconies that abut the ground level access road on the East side of the mixed use building.
- Provide specifications for a secured gate system between the 2nd floor public open space plaza and the 2nd floor private open space.
- Provide Security Plans that show the location of audio and visual camera systems for any area in which access is granted to outside parties.
- Provide specifications and/or security plans for the installation of commercial glass that provides the police with visual access to the interior of the commercial tenant spaces.
- Provide details on emergency access to the property by police and fire responders in the event of an emergency including a numerical address system and an “on-site” map.
- Provide information on how a secured mail room will be designed to provide restricted access only to mail/delivery services, commercial tenants and residential occupants.
- Provide plans that allow for an “off street” delivery area within the commercial parking garage to accommodate the delivery of mail and packages/parcels.
- Provide security plans and design specifications for the installation of a security camera system that monitors:
 - all public open space areas;
 - all garage floors;
 - access road, including hotel parking areas;
 - all storage and bicycle areas, trash areas, elevator access and stairwells.
- Provide a garage lighting plan along with design specifications that includes lighting the “access road.” The plan shall ensure that the lighting does not encroach on the adjacent residential properties on Avenue G.
- Provide a painting scheme for the garage areas that employs the use of light and highly reflective color to enhance visibility and improve the effectiveness of the lights.
- Provide a detailed way-finding plan.
- Provide plans for the installation of a “repeater” system for the use of personal cell phones on all levels of the parking garage.

IX. DISCUSSION OF RENTAL UNITS VERSUS CONDOMINIUM UNITS

The proposed project is designed to provide new, high-end, market rate residential units. There is an on-going debate, not only in this community but elsewhere, as to the value or benefits of providing rental units versus owner-occupied units. Such a discussion needs to address the benefits / advantages, or conversely the drawbacks of providing rented versus owned units, in and of itself. A similar discussion needs to take place within the context of a mixed-use project.

Rental versus Owner-occupied Units

Objective, statistically-based analyses that examine trends related to rental units versus owner-occupied units and how those trends impact a community, are not readily available. Having said that, the following reports and articles provide some insights on the matter.

A report called "America's Rental housing, Evolving Markets and Needs", prepared in 2013 by the Joint Center for Housing Studies of Harvard University (www.jchs.harvard.edu/americas-rental-housing) examines the reverse of the long upward trend in homeownership comparing the renter share of all US households in 2004 at 31 percent to 35 percent in 2012. It identifies the interdependent factors responsible for this change in trend, namely the economic turmoil and recession after 2008, which caused record number of foreclosures and displaced millions of homeowners; resulted in the loss of personal wealth for many families; increased unemployment at all levels of income preventing would-be buyers from purchasing a home due to financial hardships; and the high costs of relocating to better job markets. This has resulted in a renewed interest in rental housing with its benefits that include a greater ease in moving, the ability to choose housing that more closely matches income, and freedom from the responsibility and cost of home maintenance.

While the idea that rental living consists primarily of young, single people and unrelated roommates is still predominant in the minds of many, the largest sector of renters (based on age of household head) is those who are between 35-39 years of age. Additionally, as baby-boomers become empty-nesters, their share of rental households also continues to increase. Renters reflect the full diversity of US households in terms of the 'Age of Household Head', 'Household Type' (meaning single, single parent, married with children, married without children) and 'Household Income'.

Future demand for rental housing over the next decade is based on two factors; changes in the number and characteristics of households; and changes in the tendency of different groups to own homes. The first is easier to project based on existing demographics. The second is more difficult to project, since trends towards or away from homeownership can fluctuate significantly based on unpredictable economic conditions, as was been the case in the recession of 2008.

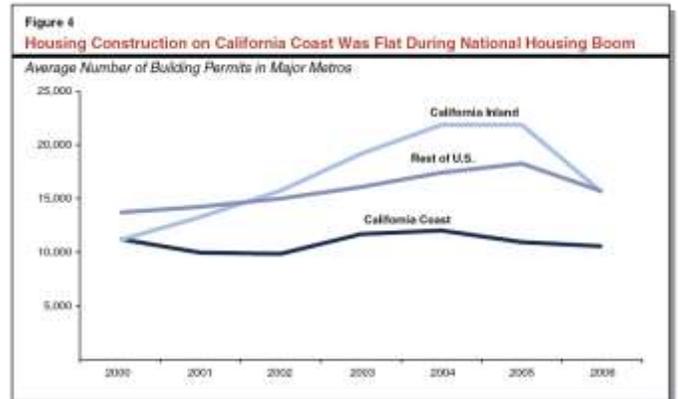
The report documents a steady increase in rents that have exceeded overall inflation and the fact that rental properties have generated solid returns over the period of 2010 to 2013. Based on low rental vacancies, increasing rents, and an increasing number of individuals and families who are seeking rental housing, it is unlikely that recent construction rates for new rental units will surpass demand in the immediate future. The report continues at length in examining issues of affordability by household characteristics and location.

Another extensive study relevant to this discussion is called “Emerging Trends in Real Estate 2015”, prepared jointly by the Urban Land Institute and PricewaterhouseCoopers (www.pwc.com/.../real-estate/.../emerging-trends). It is a highly regarded trends and forecast publication, now in its 36th edition. This study is based on the views of 1,400 individuals who completed reports or were interviewed as part of the research process for the report. Very briefly, some of identified trends reported in the publication include the following:

- “The 18-hour City”, which includes key ingredients of housing, retail, dining and walk-to-work offices spurs investment and development while raising the quality of life.
- Millennials are becoming a larger cohort than the baby-boomer generation in terms of shaping the economy, marketing, consumption, and real estate trends; and that these trends will accelerate over the next ten years.
- Millennials are currently “renters-by choice”. Their desire and ability to become homeowners in the future will depend on their ability to pay off student debts, and on improved income mobility.
- There is 50-50 split in the prediction that millennials will become typical suburban homeowners over the next 10 years versus that they will continue to exhibit the same behaviors including being renters-by choice.
- Unlike expectations of a decade or more ago, the 77 million baby boomers are not all flocking to resorts and retirement communities in the Sunbelt. The leading edge of baby boomers, those age 65 to 73 are moving to city centers where they can be close to their children.
- Technology, disruptive and incremental, such as internet shopping and viral offices are the driving force behind changes in the use and location of space.
- The millennial generation is more comfortable with sharing than owning, with impacts on the usage of taxis, hotels and offices that are already apparent.
- On-going geopolitical and economic “event risks” are here to stay. These events influence many trends including real estate trends.
- Global jobs, markets and economies make high-end rental units more desirable.
- Housing itself, once considered “too big to fail”, is no longer a guaranteed financial investment.
- The trend of the over-65-cohort to move ‘downtown’ instead of to resort communities is spurring the trend to urban village concepts such as mixed-use development approaches that are meeting with success.

A recent article with the title ‘How Much Does Los Angeles Have to Build to Get Out Of Its Housing Crisis’ by Biannca Barragan, published March 18, 2015, (http://la.curbed.com/archives/2015/03housing_crisis_losanjeles_constructopm.php) discusses the fact that Los Angeles has the biggest disconnect between incomes and rents of anywhere in the nation. Explained are the some of the measures in California that have kept the growth of housing much lower than the demand, especially in Coastal communities, which accounts for the fact that the cost of housing in California versus the rest of the nation doubled between 1940 and 2015. Furthermore, during the period of

1980 and 2010 the number of housing units in the typical US metro grew by 54 percent, compared with 32 percent for California coastal metros and 20 percent for Los Angeles. According to the US Census, the number of housing units in Redondo Beach has only increased by 3.6 percent over the ten-year period of 2000 to 2010. Why isn't more housing being built? "One reason is NIMBY'S..... while it is important that local residents have input on new housing, their resistance to new development is 'heightened' especially in coastal California."



An article by Jason Islas, published March 2015, discusses a report released by the California's Legislative Analyst's Office that looks at the roots of California's dire housing affordability crisis and how to solve it. The Legislative Analyst's Office report (discussed more specifically below) lays the blame for the current housing crunch (and the skyrocketing rents and housing prices it's producing) at the feet of state's many coastal cities and counties, two thirds of which have enacted formal constraints on housing growth. To make up for decades of stifling housing growth, California, and especially, its coastal cities would have to roughly double the amount of housing built each year, the report says..... "First, build more housing. Do it in coastal cities and build it densely." "Local residents are often resistant to new housing development and they'll use their local communities' land- use authority to delay or block new housing development," said Brian Uhler, senior fiscal and policy analyst with the LAO. "We see that this type of resistance is particularly heightened in California's coastal communities."

The Executive Summary of the publication by the Legislative Analyst's Office, March 17, 2015, "California's High Housing Costs, Causes and Consequences" provides five conclusions on the subject as follows:

1. *California's Prices and Rents Are Higher than Just About Anywhere Else*
2. *Building Less Housing Than People Demand Drives High Housing Costs*
3. *High Housing Costs are Problematic for Households and the State's Economy*
4. *The Legislature Must Consider Targeted Programs to Provide Affordable Housing Programs*
5. *The Legislature must change policies to Facilitate More Private Home and Apartment Building*

"Millenials in Adulthood, Detached from Institutions, Networked with Friends" a study published March 7, 2014 by the Pew Research Center (www.pewresearch.org), states that Millenials are the 'first in the modern era' to have higher levels of student loan debt, poverty and unemployment, and lower levels of wealth and personal income than their

two immediate predecessor generations (Gen Xers and Boomers) had at the same stage of their life cycles.

There are several significant points that these reports make as they relate to the proposed project:

- 1) Rental housing units are becoming increasingly attractive to a wide variety of households in terms of age, type and income.
- 2) The newest generation, known as “Millennials”, are more likely to be renters than homeowners, at least over the next decade.
- 3) A history of 30 plus years of policies blocking the construction of new housing in California, especially in coastal communities, has caused home prices and rents to skyrocket causing unintended consequences on the State demographics and economy.

Rental versus Ownership Units in a Mixed-Use Project

Mixed-use projects can take on numerous incarnations with respect to the mix of land use types, and the forms of ownership, that are co-mingled within a given physical and legally defined project.

Mixed-use projects, as defined by the City of Redondo Beach zoning ordinance, must include both residential and commercial uses (commercial uses include various types of uses / businesses such retail, service-oriented, limited office and restaurant uses). The development standards for mixed-use projects on properties that are zoned MU-3A specify that the projects must include both commercial and residential uses and that such projects can have a maximum floor area ratio (F.A.R.) of 1.5. Additionally, all floor area exceeding a F.A.R. of 0.7 must be developed for residential uses. Furthermore, the commercial component of mixed-use projects must have a minimum floor area of 0.3 multiplied by the lot area within 130 feet of the property line abutting Pacific Coast Highway.

Not specified in the City’s development standards and regulations for mixed-use projects are the forms of ownership that can be established for the various land use types. Three basic types of ownership models can be developed as follows:

- 1) all of the land use types, and therefore all of the interior, exterior, subterranean floor areas and shared common spaces, with a mixed-use project may remain under the ownership and management of one individual or company;
- 2) all of the land use types, and therefore all of the interior, exterior, subterranean floor areas and shared common spaces can be made available for sale resulting in a conglomeration of multiple residential owners (149 owners) and commercial owners (9 owners as currently configured) operating under two (2) HOAs, with the hotel operating as a third independent legal entity; or

- 3) the residential units only within a mixed-use project can be made available for sale resulting in multiple residential owners (149) operating under a residential HOA, with the shared common spaces, the commercial spaces, a portion of the subterranean garage and the hotel remaining under the ownership and management of one individual or company with a master agreement that governs the responsibilities of the HOA and the owner/operator of the commercial interests and their relationship to each other.

* What cannot occur after a mixed-use project is approved is a change in the ownership of the residential units from rental to units.

Even without going into a detailed description of the pros and cons of each of these three ownership models, it is easy to predict that ownership model (1), where all the land use types and all the physical areas and spaces are owned and operated by one legal entity would allow for the most consistent and cohesive implementation of the operational rules, regulations as well as the physical maintenance and on-going re-investment into the project.

Condominium projects and other cooperative forms of housing (collectively referred to as Common Interest Developments or CIDs) are very common in California. According to a 2014 report by CACM (California Community Managers) there are over 50,000 CIDs in the State, 56% of which are condominium projects. 14.3 million Californians or 38% of the State population live in some form of CID. However, given the operational and legal complexities of such ownership models, a niche industry consisting of specialized managers, lawyers, accounts and relators has emerged to support them.

Skimming through several of the many on-line websites for HOAs, such as the 'Communities Association Network', the 'California Homeowners Association', the 'HOA Leader' and the California 'HOA Law Blog', it quickly becomes obvious that the issues dealt with by HOAs are diverse and complex. HOAs function as governing bodies over condominium owners and the physical assets of condominium projects creating some of the same type of tension that arises between residents and local governments who make decisions on their behalf. HOAs deal with a wide variety of issues and processes such as arbitration, architectural control, assessments, boards of directors, collections, construction defects, contracts & easements, enforcement issues, fixtures, finances, governance, insurance, litigation, maintenance, renters, rules & regulations, solar power installations, utilities, voting and elections. On the surface, such decisions may not appear to be difficult or contentious; what makes the decisions difficult is reaching a consensus or a majority vote of the owners on a specific issue or action, especially if they are time sensitive in nature. Resolving contentious issues between owners and the HOA can create a great deal of friction within a condominium project. Resolving issues between an HOA and a third party can be much more complicated, expensive and time-consuming since all important decisions made by the HOA require input from their membership. Condominium owners include a broad cross section of individuals; being a condominium owner does not guarantee, in and of itself, that such individuals are like-minded, much as

families cannot ensure that its members share economic, social, political, and religious views or behaviors.

An examination of the record for HOAs that are embattled with other non-residential owners / operators within the physical and legal parameters of a project, indicates that conflicts can become very nasty. Experience shows that over time, once the original owner relinquishes control over the residential units, it is not uncommon for one or more of residential owners to decide, for example, that they are not satisfied with the way the rules and regulations (as contained in their CC&R's and/or in a master agreement for the project) address odors created by the restaurant, or by the noise coming from the outdoor dining area, or the music that played by a retail shop. As such, the opinions of a minority of residential owners can create considerable havoc and ill will not only within the residential component of the project but also between the residential, and commercial components within a project.

The key points from this discussion are as follows:

1. The on-going management of large condominium projects (51 units plus) is complex. More often than not, HOAs must deal with conflict resolution regarding both internal and external issues.
2. Mixing several forms of ownership within the parameters of one physical and legal project is extremely complicated, and is exacerbated by the fact that these multiple entities with differing priorities must come to terms over the fact that they co-habit the same project and that they share responsibilities over common areas including subterranean garage.

X. STATUS REPORT ON THE PALOS VERDES INN

The following information was provided by the Legado team with respect to the current and future status of the Palos Verdes Inn, which experienced a fire on June 17th, 2015.

- A fire broke out in the hotel around 6:30 pm on June 17th.
- The fire started in one of the hotel guestrooms and spread to another guestroom as well as some common areas.
- Firefighters were able to extinguish the fire in early evening hours.
- There is substantial damage to the guestrooms and common areas as a direct result of the fire. This includes the smoke damage, as well as the damage from extinguishing the fire, including water damage to the floors and ceilings, broken doors and door frames.
- Legado is undertaking every effort to re-open the hotel as quickly as is practically possible once the required repairs are undertaken and the required City building inspections are completed. The Community Development Department has assured Legado that the issuance of building permits and inspections for the repair work will be expedited to the maximum extent possible

- However, any progress regarding repairs is contingent on the insurance claim process.

The applicant's representative has indicated that he will keep the City updated on this matter.

XI. REVISED TRAFFIC EVALUATION

Overland Traffic Consultants prepared a 'Supplemental Traffic Evaluation', dated May 29, 2015 (attached) to address the Revised Project with 149 units, 37,000 SF of commercial space and 649 parking spaces. The findings indicate that the Revised Project will result in fewer vehicle trips to and from the site, resulting in reduced impacts. It also indicates that the supply of parking provided on-site meets the parking requirements as established by the City of Redondo Beach zoning ordinance.

Specifically, the number of '*Combined Net New Trips*' of Daily Traffic for the Original Project was 2,677. This number is reduced to 2,433 for the Revised Project, which is equivalent to a 9% reduction. There are projected to be 123 AM Peak Hour Trips, a reduction of 14% and 245 PM Peak Hour Trips, a reduction of 8.5%.

The following is a brief summary of traffic evaluation parameters and criteria:

- 11 intersections were studied of which 6 are signalized and 5 are Stop controlled, including PVB & Ave G and Prospect & Ave G, as requested by the community;
- The trip generation rates used in the analysis come from the National Standards established by the Institute of Transportation Engineers;
- The conditions at each of the intersections is determined using the geometrics and signal operation data, as well as traffic counts during Peak Hours;
- Different methods are used depending on if the intersections are signalized or not; signalized intersections – Intersection Capacity Utilization (ICU), stop sign controlled intersections – 'Delay Highway Capacity Manual (HCM) Analysis';
- The performance of an intersection is described as Level of Service (LOS): Letter Grades A (Good) through F (Failure);
- The projected trips are then distributed to the various street intersections;
- The criteria for determining if a project has a significant impact are contained in the 2010 Circulation Element of the Redondo Beach General Plan They are as follows:
 - 4% increase or more at LOS C
 - 2% increase or more at LOS D
 - 1% increase or more at LOS E or F
 - Unsignalized Intersections: 3 second increase in delay at LOS E intersections and LOS F for side streets;
- A comparison is then made of the traffic conditions at the 11 intersections as they currently exist and what conditions they would be at if the project were built;

- A comparison is then made of the traffic conditions at the 11 intersections as they will be 2017 (the future) without the project and what conditions they would be at in 2017 if the project were built.

Reanalysis of the PCH & PVB intersection for the Revised Project was conducted with a more conservative approach. This included reducing the capacity at the intersection for occasional through lane blockage as a result of vehicles stacking in the interior northbound travel lane on PCH waiting to make a westbound turn onto Ave I. The impact results for the Revised Project are the same as the results for the Original Project. Therefore, the Mitigation Measure for this intersection remains the same, as follows:

The impact results for the Revised Project are reduced from the Original Project. However, the Mitigation Measure for this intersection will remain the same, as follows:

T1 Palos Verdes Boulevard and Pacific Coast Highway.

Reconfigure the southbound Pacific Coast Highway approach from a left, through and shared through/right lane to a left, two through and right turn only lane.

The improvement shall be fully funded by the applicant and implemented prior to final inspection and the opening of the project. The Applicant shall deposit funds for this measure with the City of Redondo Beach within two months of the approval of the Conditional Use Permit.

The project will also be required to implement the following traffic improvements:

- Caltrans is requiring the extension of the bike lanes on PCH, both north and south of PVB, which will improve the safety for cyclists.
- The removal of the raised medians on the north and south legs of PCH, which will improve the left turn storage (stacking area) and thereby reducing the current problems that stacked or backed up vehicles sometimes interfere with the traffic movements in the intersection.
- The Northbound left turn pocket to Avenue I will be extended by a minimum of 75 feet.
- The travel lanes south of PCH will be widened from the existing widths of 10 and 11 feet to 12 feet as per the required of Caltrans, which will improve the traffic movements in the portion of the intersection.
- PCH will be widened along the PCH Project frontage to allow for the construction of a deceleration and acceleration/merge lane to/from primary PCH Driveway.
- The raised medians along the PVB frontage will be removed to improve access, visibility and provide increased storage (vehicular stacking) to/from driveways.

- The sidewalks along with curb and gutter, traffic pole and bus stop will be removed and relocated to allow for the construction a new street section with ADA curb ramp improvements.

It is difficult for most individuals without a background in transportation planning and engineering to understand how the addition of a southbound right only turn lane can solve the identified significant traffic impact, which is the addition of 245 additional PM Peak Hour Trips at the intersection of PCH and PVB.

The drawing on the following page, Illustration #1, illustrates the current lane configuration at the intersection of PCH and PVB.

- The existing lane configuration travelling southbound on PCH consists of one dedicated left turn only lane, one through lane and one shared through and right turn only lane.
- The lane configuration travelling northbound on PCH consists of one dedicated left turn only lane, one through lane and one shared through and right turn only lane.

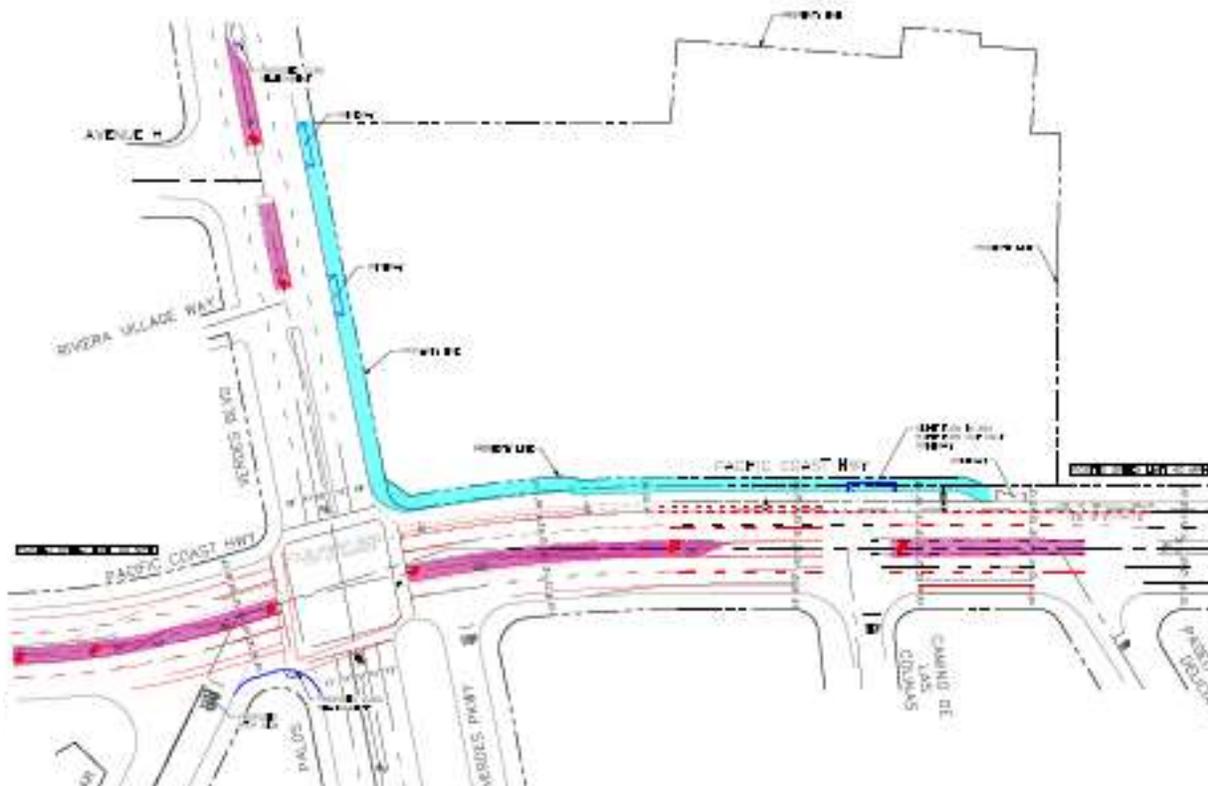
Illustration # 1
Existing Traffic Flow at PCH and PVB



The following, Illustration #2, illustrates some of the components of the proposed traffic improvements as follows:

- The raised center medians on both the south and north legs of PCH will be removed thereby increasing the capacity of the left turn movements northbound at PVB and Avenue I as well as southbound at PVB. The PCH median striping between Camino de las Colinas and Paseo de las Delicias northbound and southbound currently allows for left turns in both directions. This striping will be changed to only allow northbound left turns, which will reduce the traffic conflicts that currently slow down the traffic down flow at that location.
- The raised center medians on the east leg of PVB will be removed to allow left turns only into the two (2) new Legado driveways. This will facilitate the traffic flow into the project travelling westbound on PVB without disrupting the traffic flow of vehicles travelling westbound through the intersection.
- A new 12'-wide sidewalk will be constructed along the PCH frontage of the project. This will increase 'walkability' around the site; providing a safer environment for pedestrian movements.

Illustration #2
Proposed Traffic Improvements



The following, Illustration #3, illustrates some more components of the proposed traffic improvements as follows:

- A new right turn only lane will be added travelling southbound on PCH at PVB. This is possible because there is an existing street dedication at that corner, meaning that a portion of the property in front of the existing restaurant, known as Rock 'n Brews, that is currently lawn and a sidewalk will be removed and relocated to allow for the construction of a new dedicated right turn only lane.
- Travelling northbound on PCH a new deceleration lane along the PCH frontage will facilitate right turns only into and out of the primary Legado driveway, thereby minimizing the disruption of the traffic flow of other vehicles travelling northbound through the intersection.
- The northbound deceleration lane on PCH will transition into a new right turn only lane at PVB also minimizing the disruption of the traffic flow of other vehicles travelling northbound through the intersection.

Illustration #3
Proposed Traffic Improvements

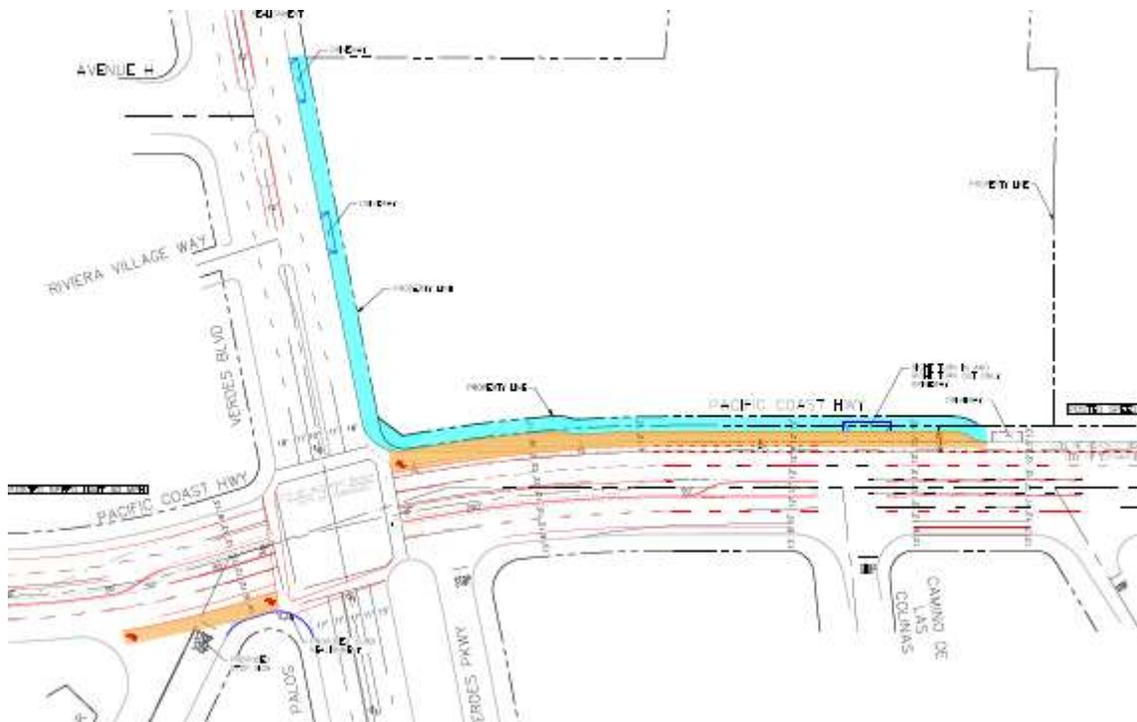


Illustration #4 demonstrates that

- The lane configurations on PCH travelling both southbound and northbound will include a dedicated right turn only lane, two (2) through lanes, and a dedicated left turn only lane. This will improve the capacity of all the traffic movements at that intersection.
- The existing vehicular lanes are 10 feet and 11 feet in width. The new lanes will all be 12 feet in width as per the requirements of Caltrans. The increased width of the travel lanes will improve the driving conditions around the intersection of PCH and PVB thereby minimizing the risks for vehicular collisions.
- The extension of the bike lanes on PCH, north and south of PVB, will increase safety for cyclists, thereby encouraging this alternative mode of transportation.
- The signal crosswalk timing on both the south and north side of PVB on PCH will be adjusted to give pedestrians more time to walk across PCH.

Illustration #4
Proposed Traffic Improvements

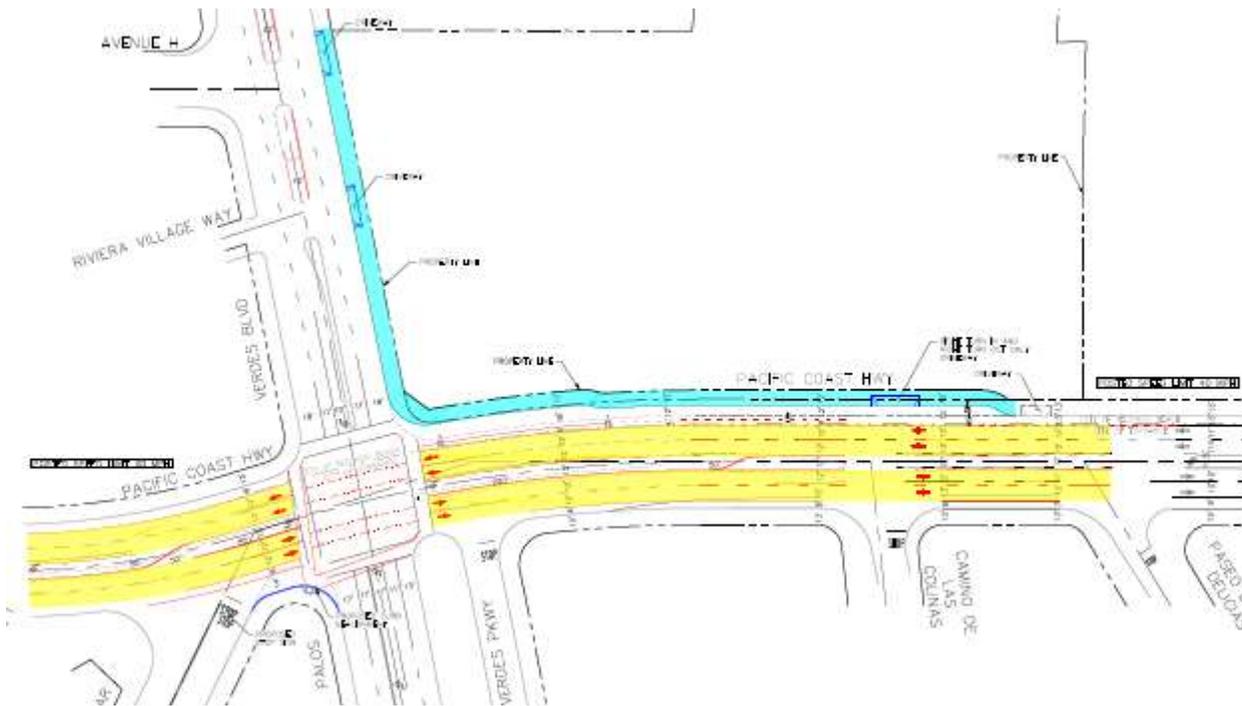
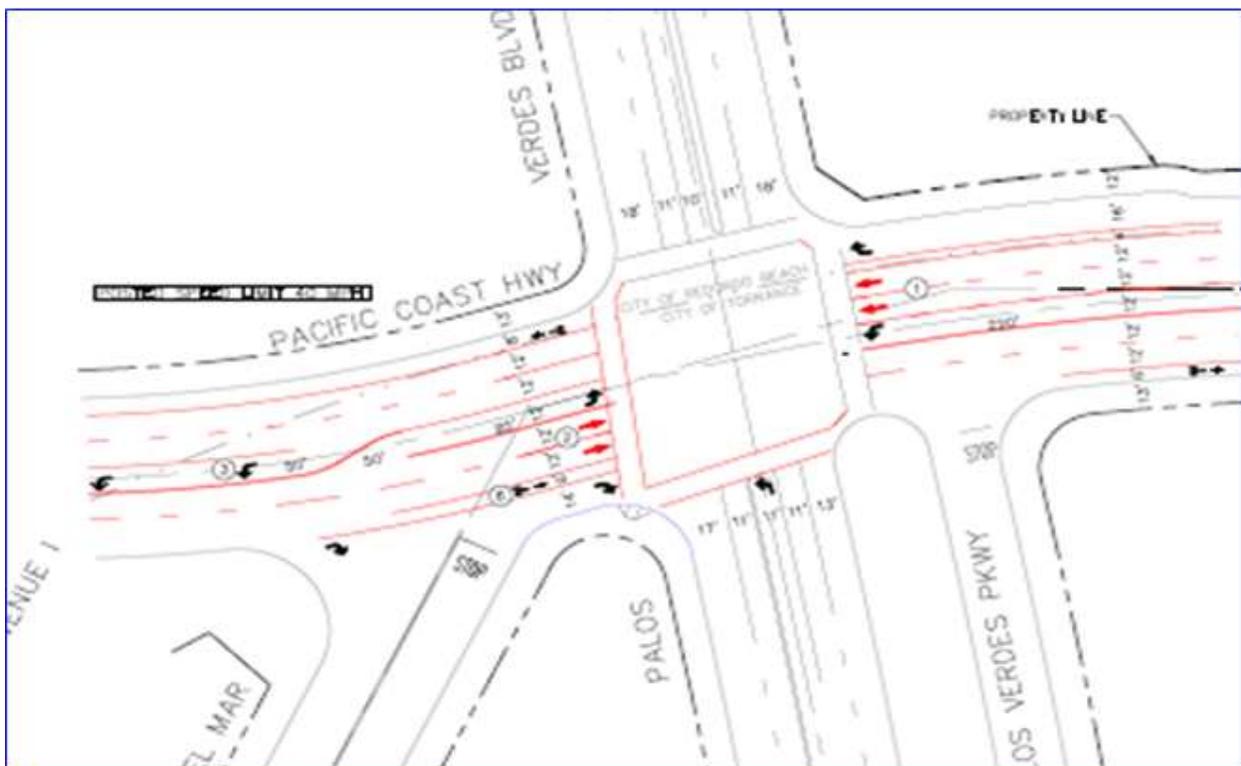


Illustration #5, shows all the future lane additions and configurations both southbound and northbound on PCH. The combined effect of all the proposed changes include:

- The addition, reconfiguration and re-striping of lanes, along with the removal of center medians, will increase the traffic flow capacity at the intersection of PCH and PVB to the extent that it will mitigate the 245 additional trips during the PM Peak Hour that will be generated by the Revised Project. It will not only mitigate the traffic impact from the proposed project, but it will improve the vehicular traffic flow condition at the intersection, during the PM Peak hour, from LOS E to D.
- The extension of the bike lanes will improve safety conditions for cyclists travelling in either direction on PCH. This will encourage travel via an alternative mode of transportation that assists in reducing vehicular trips in the surrounding area.
- The construction of a 12-foot wide sidewalk along the PCH frontage of the subject property and an adjustment to the crosswalk timing at the intersection of PCH and PVB will improve safety conditions for pedestrians. Improved pedestrian safety conditions and enhanced pedestrian environments encourage travel via an alternative mode of transportation that assists in reducing vehicular trips in the surrounding area.

Illustration #5
Combined Traffic Improvements at PCH and PVB



Pacific Coast Highway and Torrance Boulevard

As requested by Caltrans, the project will also provide a fair share contribution to the proposed improvements at the intersection of PCH and Torrance Boulevard as described below:

- Northbound: Provide a separate northbound right turn lane to reduce congestion. The improvements extend approximately 300 feet south of the intersections
- Southbound: Provide a separate southbound right turn lane to reduce congestion. The improvements extend approximately 120 feet north of the intersections.

The improvements will include removing/relocating the sidewalk along with the curb and gutter, relocating traffic signal poles and bus stop improvements, and constructing a new street section with ADA curb ramp improvements.

Other Traffic Suggestions

Several community members suggested that the proposed southbound right turn only lane onto PVB would be improved if Vista Del Mar were changed to a one-way only westbound street or if it were completely closed to PCH. The City of Redondo Beach has discussed with the City of Torrance on several occasions. Unfortunately, they don't appear to have any interest in doing so. As such Redondo Beach is not in a position to make any such changes.

Other Traffic Improvements

It should be noted that the City of Redondo Beach in collaboration with the City of Torrance is finalizing some mechanisms for the construction of a new right turn only pocket on PVB at the intersection of PCH and PVB as part of a series of joint improvements designed to improve the flow of traffic throughout the South Bay area. This improvement is not required by the project.

XII. (REVISED) MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY (IS-MND) AND MITIGATION MONITORING AND REPORTING PROGRAM, (INCLUDING MODIFIED MITIGATION MEASURES)

The IS-MND-MMRP and Response to Comments (RTC) were updated to reflect the changes in the Revised Project. The revisions made to the environmental documents are as follows:

- a. IS-MND:
 - a. The date on the cover page was changed to 'June 2015';
 - b. The Table of Contents was changed on Page i to reflect the insertion of pages v and vi (discussed below), and on Page iii to reflect the insertion of the 'Supplemental Traffic Evaluation for the Revised Project (May 29, 2015)

- c. Pages v and vi, were inserted, which discuss the changes to the Revised Project.
- b. Appendix F Traffic:
 - a. The 'Supplemental Traffic Evaluation for the Revised Project (May 29, 2015) was added to this Appendix.
- c. Appendix J RTC:
 - o Minor revisions were made, including a footnote on Page 8 reflecting the changes that were made to the 'Fair Share Calculations for Improvements to the Torrance and PCH Intersection'.
 - o

REVISIONS TO THE IS-MND

The following is the text that appears on Pages v and vi of the Revised IS-MND:

REVISIONS TO FINAL IS-MND

The IS-MND was circulated for a 30-day public review period that began on August 7, 2014, and concluded on September 8, 2014. A Final IS-MND was prepared and the proposed project was considered by the Planning Commission on March 19, 2015. Following circulation and the hearing, the project plans were slightly revised to reduce the size of the project. The following table summarizes the project changes:

	<i>Original Project Analyzed in IS-MND</i>	<i>Revised Project</i>
<i>Project Site Lot Size</i>	<i>4.275 acres (186,226 sf)</i>	<i>Same</i>
<i>Parking Provided</i>	<i>Commercial: 196 spaces Residential: 308 spaces Hotel: 110 spaces Total: 614 spaces</i>	<i>Residential Units: 298 spaces Residential Guest: 50 spaces Hotel: 110 spaces Retail: 113 spaces Café: 7 spaces Restaurant: 71 spaces Total: 649 spaces</i>
<i>Building Floor Area</i>	<i>Residential Units: 168,562 sf Retail: 6,000 sf Market: 24,000 sf Restaurant: 7,600 sf Common Amenities 3,565 sf Hotel: 69,000 sf (110 rooms) Total Floor Area: 278,727 sf</i>	<i>Residential Units: 132,079 sf Retail: 5,600 sf Café: 1,500 sf Market: 22,800 sf Restaurant: 7,100 sf Hotel: 69,000 sf (110 rooms) Total Floor Area (including amenities and circulation): 267,572 sf</i>
<i>Residential Unit Summary</i>	<i>Studios: 16 units One Bedroom: 96 units</i>	<i>One bedroom: 87 units Two bedroom: 62 units</i>

	<i>Two Bedrooms: 68 units Total: 180 units</i>	Total: 149 units
<i>Floor Area Ratio (FAR)</i>	1.5	1.5
<i>Building Height</i>	<i>Hotel: 50 feet (existing) New Building: 56 feet at the highest point</i>	<i>Hotel: 50 feet (existing) New Building: 45 feet at the highest point</i>
<i>Building Stories</i>	<i>Hotel: 4 stories (existing) New Building: 3-4 stories (varies throughout the project site)</i>	<i>Hotel: 4 stories (existing) New Building: 2-3 stories (varies throughout the project site)</i>

The revised project would increase the number of onsite parking spaces and reduce the building height. The reduced building height would reduce the project's impact upon views and visual character compared to the original project. The revised project would also reduce the number of residential units by 31 (180 to 149 units) and reduce the amount of commercial space by 600 square feet (37,600 square feet of retail, café, market, and restaurant space to 37,000 square feet).

A supplemental traffic evaluation (see Appendix F) was conducted based on the changes associated with the revised project. The revised project generates fewer overall trips than the original project analyzed in the MND. Nonetheless, traffic impacts remain significant unless mitigation is incorporated and mitigation measure T-1 is still required.

Overall, as the number of units and amount of commercial space would be reduced compared to the original project, impacts associated with operation of the proposed project (traffic, wastewater generation, water use, air pollution and greenhouse gas emissions, traffic noise, operational noise) would be reduced compared to what was analyzed in the IS-MND. In addition, impacts associated with construction (noise, air quality, greenhouse gases) would be reduced compared to what was analyzed in the IS-MND as the amount of overall floor area constructed would be reduced. No new significant impacts would occur and no new mitigation measures would be required; therefore, recirculation of the MND is not warranted.

The (Revised) Final MND determined that there would be potential impacts associated with the following resource areas (1) Air Quality (construction emissions associated with Reactive Organic Gas-Paint related emissions), (2) Biology (Bird nests), (3) Geology and Soils (unstable soils), (4) Transportation/Traffic (Intersection at Palos Verdes Blvd/Pacific Coast Highway), (5) Utilities and Services Systems (Local wastewater infrastructure).

All of these impacts can be mitigated to less than significant with implementation of the mitigation measures provided in the (Revised) Final MND (and incorporated into the

MMRP).² These mitigation measures include AQ-1 (Low-VOC Paint), BIO-1 (Nesting/Breeding Native Bird Protection), GEO-1 (Geotechnical Design Considerations), T-1 (Palos Verdes Boulevard and Pacific Coast Highway), and U-1 (Wastewater Conveyance).

While impacts to the other resource areas were determined to be less than significant, the City has proposed several additional conditions of approval (COA) pursuant to the City's CUP/Design Review procedures, which include CR-1 (Unanticipated Discovery of Cultural Resources), N-1 (Construction Equipment Mufflers), N-2 (Stationary Construction Equipment placement requirements), N-3 (Construction Equipment Staging area requirements), N-4 (Construction Equipment Electric Tool Requirements), N-5 (Construction Equipment Sound Barriers), a COA for Security/Crime Prevention Plan, and a COA for signal crosswalk timing.

REVISIONS TO APPENDIX F TRAFFIC:

The 'Supplemental Traffic Evaluation for the Revised Project (May 29, 2015) is discussed in greater detail above.

REVISIONS TO the RTC

As a reminder, the City made a decision to prepare a formal Response to Comments (RTC) document for this project proposal although not obligated to do so according to the California Environmental Quality Act (CEQA). Responses were prepared addressing the 82 comments that were received from the community and the three (3) public agencies including Caltrans, the Los Angeles County Metropolitan Transportation Authority (MTA), and County Sanitation Districts of Los Angeles County also provided comments. (See the March 19, 2015 Administrative Report for more details.)

Only one revision to the document was required. That revision is a footnote on page 8 of the Response to Comments that states the following:

Calculation of fair share contribution: Total intersection volumes with the revised project (June 2015) are 3,902 vehicles during the AM peak hour and 4,633 vehicles during the PM peak hour. The project contributes 39 and 79 vehicle trips respectively. This equates to 1.0% of the morning peak hour traffic and 1.7% of the evening peak traffic. The project will contribute 1.0% of the cost for the northbound improvement and 1.7% of the cost for the southbound improvement.

² Mitigation Measure U-1 proposes to construct additional wastewater conveyance infrastructure. Additional revisions to this measure have been made in the Final MND to clarify that it is the applicant's obligation to construct and fund these improvements.

XIII. FINDINGS

1. In accordance with Section 10-2.2506(b) of the Redondo Beach Municipal Code, a Conditional Use Permit is in accord with the criteria set forth therein for the following reasons:
 - a) The proposed use is permitted in the land use district in which the site is located, and the site is adequate in size and shape to accommodate the use and all yards, open spaces, walls, and fences, parking, landscaping and other features, and the project is consistent with the requirements of Chapter 2, Title 10 of the Redondo Beach Municipal Code, to adjust the use with the land and uses in the neighborhood.
 - b) The site has adequate access to public streets of adequate width to carry the kind and quantity of traffic generated by the proposed use provided that the project includes a street dedication and improvements for safe access to Pacific Coast Highway with the implementation of mitigation measure, T-1 Palos Verdes Boulevard and Pacific Coast Highway: Reconfigure the southbound Pacific Coast Highway approach from a left, through and shared through/right lane to a left, two through and right turn only lane.
 - c) The proposed use shall have no adverse effect on abutting property or the permitted use thereof, subject to the conditions of approval.
 - d) The proposed project conforms to all of the requirements of the Zoning Ordinance.
 - e) The project is consistent with the Comprehensive General Plan of the City.

2. In accordance with Section 10-2.2502(b) of the Redondo Beach Municipal Code, the applicant's request for Planning Commission Design Review is consistent with the criteria set forth therein for the following reasons:
 - a) The design of the project considers the impact and needs of the user in respect to circulation, parking, traffic, utilities, public services, noise and odor, privacy, private and common open spaces, trash collection, security and crime deterrence, energy consumption, physical barriers, and other design concerns.
 - b) The location of the structure respects the natural terrain of the site and is functionally integrated with natural features of the landscape to include the preservation of existing trees, where feasible.

- c) The design of the project is harmonious and consistent within the proposed architectural style regarding roofing, materials, windows, doors, openings, textures, colors, and exterior treatment.
 - d) The design of the project is integrated and compatible with the neighborhood and is in harmony with the scale and bulk of surrounding properties.
 - e) The design of the project provides innovation, variety, and creativity in the proposed design solution and serves to minimize the appearance of flat facades and box-like construction.
4. The Vesting Tract Map 72662 is consistent with the Comprehensive General Plan of the City.
 5. The plans, specifications and drawings submitted with the applications have been reviewed by the Planning Commission, and are approved.
 6. The Planning Commission hereby finds that (Revised) Mitigated Negative Declaration No. No. 2014-08-IES-MND-001 has been prepared and circulated in compliance with the provisions of the California Environmental Quality Act (CEQA), and the procedures set forth in the ordinances of the City of Redondo Beach.
 7. A Mitigation and Monitoring Reporting Program (MMRP) has been developed that includes a mitigation monitoring table listing the mitigation measures and identifies the timing and responsibility for monitoring each measure.
 8. The Planning Commission hereby finds that the proposed project will have no effect on fish and game resources pursuant to Section 21089(b) of the Public Resources Code.
 9. The Planning Commission further finds that in reviewing the (Revised) Mitigated Negative Declaration No. 2014-08-IES-MND-001 it has exercised its own independent judgment.
 10. The Planning Commission hereby finds and determines that the proposed project will not have a significant effect on the environment, subject to the conditions of approval and mitigation measures.

XIV. CONDITIONS OF APPROVAL

1. That the approval granted herein is for the demolition of the 21,130 square-foot former Bristol Farm grocery store, the demolition of 7,224 square feet of in-line retail tenant spaces, the renovation of the existing 110-room hotel, and the

construction of a new mixed-use project that consists of 149 residential units and approximately 37,000 square feet of commercial development with the required private open space and public open space and 649 parking spaces in substantial compliance with the plans approved by Planning Commission on July 16, 2015.

2. The precise architectural treatment of the building exterior, roof, walks, walls, and driveways shall be subject to Planning Department approval prior to issuance of a building permit.
3. The applicant shall continue to work with the Planning staff to complete the sign plans with respect to missing dimensions, and other details such the design of the directional signs. The sign programs shall be approved by the Planning Department prior to issuance of Certificate of Occupancy.
4. The hotel shall be required to provide valet parking services on an on-going basis to ensure that the ten (10) tandem parking spaces located on the surface parking lot are used to the maximum extent possible.
5. The applicant shall provide complete landscaping plans including planting details and irrigations plans pursuant to the requirements of the Assembly Bill (AB) 1881, the Water Conservation in Landscaping Act of 2006 (Laird).
6. That the applicant shall provide the Planning Commission with the proposed exterior modifications and signs for the hotel renovation at a future date. That the review and approval of the hotel renovations by the Planning Commission shall occur prior to the issuance of a building permit for the hotel, and the issuance of a Certificate of Occupancy for the mixed-use project.
7. The City's newly adopted Public Art Ordinance requires the project applicant to provide a zoning requirement contribution equivalent of one percent (1%) of the building valuation above \$250,000. This zoning requirement contribution can take the form of: 1) an installation of public art on the subject property, commissioned by the developer, but subject to the approval of the City's Public Art Commission; 2) a request that the installation of public art on the subject property be commissioned and approved by the Public Art Commission; 3) an installation of public art on the subject property valued at less than the required 1% contribution and provide the balance of the 1% for the public art zoning requirement contribution to the John Parsons Public Art Fund: or 4) pay the zoning requirement fee to The John Parsons Public Art Fund to be used for future public art in public places as determined by the Public Art Commission based on the City's Public Art Master Program. If the decision regarding the public art contribution is not finalized prior to the issuance of a building permit, the project developer will be required to deposit the required 1% zoning requirement fee in a set aside account. The monetary deposit will be held by the City until such time as the public art contribution is satisfied. If the art contribution for the subject property is not

satisfied within a one (1) year period from the date of the issuance of a construction permit, the monetary public art deposit will revert to the John Parsons Public Art Fund for future public art in public places as determined by the Public Art Commission based on the City's Public Art Master Program.

8. The project shall be prepared in accordance with the approved Standard Urban Storm Water Mitigation Plan (SUSMP) / Low Impact Development (LID), prepared for the subject site by Kimley-Horn & Associates. Inc., dated February 2014.
9. Color and material samples shall be submitted for review and approval of the Planning Department prior to the issuance of Building Permits.
10. The Vesting Tract Map shall be recorded within 36-months of the effective date of this resolution, unless an extension is granted pursuant to law. If said map is not recorded within said 36-month period, or any extension thereof, the map shall be null, void, and of no force and effect.
11. A Standard Urban Stormwater Mitigation Plan (SUSMP) shall be included on final plans and implemented during construction and the operation of the project.
12. The applicant shall comply with the following mitigation measures and the associated procedures listed in the MMRP.

AQ- 1 Low-VOC Paint. The applicant must use low-VOC paint on all interior and exterior surfaces. Paint should not exceed:

- 50 g/L for residential interior surfaces
- 100 g/L for residential exterior surfaces
- 150 g/L for non-residential interior and exterior surfaces

BIO- 1 Nesting/Breeding Native Bird Protection. To avoid impacts to nesting birds, including birds protected under the Migratory Bird Treaty Act, all initial ground disturbing activities, including tree removal, should be limited to the time period between August 16 and January 31 (i.e., outside the nesting season) if feasible. If initial site disturbance, grading, and vegetation removal cannot be conducted during this time period, a pre-construction survey for active nests within the project site shall be conducted by a qualified biologist at the site no more than two weeks prior to any construction activities. If active nests are identified, species specific exclusion buffers shall be determined by the biologist, and construction timing and location adjusted accordingly. The buffer shall be adhered to until the adults and young are no longer reliant on the nest site, as determined by the biologist. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area.

T-1 Palos Verdes Boulevard and Pacific Coast Highway. The following improvement identified in the Traffic Impact Study (Appendix F) shall be implemented:

Reconfigure the southbound Pacific Coast Highway approach from a left, through and shared through/right lane to a left, two through and right turn only lane.

The improvement shall be fully funded by the applicant and implemented prior to final inspection and the opening of the project. The Applicant shall deposit funds for this measure with the City of Redondo Beach within two months of the approval of the Conditional Use Permit.

U-1 Wastewater Conveyance. The applicant shall fully fund the construction of a new downstream 12-inch mainline wastewater conveyance system connection to an alternative sewershed by connecting manhole 3445 to manhole 3648 (approximately 300 linear feet). The applicant shall also fully fund an upgrade to the existing wastewater collection system between manhole 3447 and manhole 3446 (approximately 150 linear feet) to a 12-inch line. The Applicant shall deposit funds for this measure with the City of Redondo Beach within two months of the approval of the Conditional Use Permit and shall apply for a Caltrans Encroachment Permit. Construction in rights of way will require a Caltrans Encroachment Permit, which includes a Traffic Control Plan in compliance with Manual on Uniform Traffic Control Devices (MUTCD) [Traffic Control Plans Part 6]. These improvements must be implemented prior to final inspection and the opening of the project.

13. The applicant shall be required to adhere to the adopted Mitigation Monitoring and Reporting Program prepared in conjunction with approved Initial Environmental Study No. 2014-08-IES-MND-001 and Mitigated Negative Declaration No. 2014-08-IES-MND-001.
14. The applicant shall fulfill the following requirements as they relate to the Security/Crime Prevention Program for the proposed project. The plans, specifications and other related documents shall be reviewed and approved by the Building and Planning Divisions, Police and Fire Departments as appropriate. These requirements shall be completed prior to the issuance of a Building Permit. Inspections by the appropriate Staff members shall be made to ensure compliance with these requirements prior to the issuance of a Certificate of Occupancy.
 - Submit a garage gate design and type that ensures separation between the residential and commercial parking locations.

- Provide specifications on security hardware to be installed on all residential balconies that abut the ground level access road on the East side of the mixed use building.
- Provide specifications for a secured gate system between the 2nd floor public open space plaza and the 2nd floor private open space.
- Provide Security Plans that show the location of audio and visual camera systems for any area in which access is granted to outside parties.
- Provide specifications and/or security plans for the installation of commercial glass that provides the police with visual access to the interior of the commercial tenant spaces.
- Provide details on emergency access to the property by police and fire responders in the event of an emergency including a numerical address system and an “on-site” map.
- Provide information on how a secured mail room will be designed to provide restricted access only to mail/delivery services, commercial tenants and residential occupants.
- Provide plans that allow for an “off street” delivery area within the commercial parking garage to accommodate the delivery of mail and packages/parcels.
- Provide security plans and design specifications for the installation of a security camera system that monitors:
 - all public open space areas;
 - all garage floors;
 - access road, including hotel parking areas;
 - all storage and bicycle areas, trash areas, elevator access and stairwells.
- Provide a garage lighting plan along with design specifications that includes lighting the “access road.” The plan shall ensure that the lighting does not encroach on the adjacent residential properties on Avenue G.
- Provide a painting scheme for the garage areas that employs the use of light and highly reflective color to enhance visibility and improve the effectiveness of the lights.
- Provide a detailed way-finding plan.
- Provide plans for the installation of a “repeater” system for the use of personal cell phones on all levels of the parking garage.

- The applicant/property owner shall ensure that the audio and visual security equipment be monitored on a 24/7 basis and that regular daily patrols of the subject property be made by security personnel.
15. The following conditions are required to ensure that the proposed project meets the standards as contained in the City of Redondo Beach Noise Ordinance as established in the Acoustical Analysis by Davy & Associates, Inc., prepared May 1, 2015:
- Roof ceiling construction will be roofing on plywood. Batt insulation will be installed in joist spaces. The ceiling will be one layer of gypboard nailed direct.
 - All exterior walls will be 2x4 studs 16" o.c. with batt insulation in the stud spaces. Exteriors will be plaster or stucco. The interiors will be gypboard.
 - All southwest and northwest facing perimeter windows and glass doors in all buildings will be glazed with STC 29 glazing which would achieve a noise reduction of the building of approximately 26 dB. STC 29 glazing can be provided with a dual pane assembly with a 1/2" airspace. The glazing supplier should submit test reports documenting the STC ratings. The test reports should be prepared in an independent, accredited testing laboratory in accordance with ASTM E-90.
 - All entry doors should be 1-3/4" solid core flush wood doors with vinyl bulb weatherstripping on the sides and top.
 - There should be no ventilation openings in the exterior walls or roof/ceilings without approved acoustical baffles.
16. That the applicant shall make a dedication of the subject property fronting onto South Pacific Coast Highway for the purpose of providing a twelve (12) foot wide public sidewalk as per Exhibit C1.00 of the approved plans as prepared by Kimley-Horn and Associates, January 30, 2015. The applicant shall also be responsible providing the public improvements in keeping with the City's adopted Administrative Policy No. 12.2, Living Streets Guidelines and Policies for Redondo Beach (City Council Resolution No. 1310-095, October 1, 2013).
17. The applicant shall work with the City and adhere to Caltrans requirements to determine the appropriate length for the PCH northbound left turn pocket. The applicant shall prepare a design that appropriately balances the southbound PCH left turn pocket and the northbound Avenue I left turn pocket. The applicant shall

restripe the lanes as appropriate based on Caltrans criteria and shall obtain a Caltrans permit for this work.

18. The applicant shall pay a fair share contribution* for the following proposed improvements at Pacific Coast Highway and Torrance Boulevard which shall include both Northbound and Southbound Intersection Improvements as described below. These physical improvements do not need to be in place prior to the issuance of the certificate of occupancy for the proposed project; however the funds shall be submitted to Caltrans prior to the issuance of a certificate of occupancy for the proposed project.
 - a) Northbound: To provide a separate north bound right turn lane to reduce congestion and improve the levels of service at this intersection. The physical limits of the improvements extend to approximately 300 feet south of the intersection. (The improvements include removing/relocating sidewalk along with curb and gutter, relocating traffic signal poles, and constructing a new street section with ADA curb ramp improvements.)
 - b) Southbound: To provide a separate south bound right turn lane to reduce congestion and improve the levels of service at this intersection. The physical limits of the improvements extend to 120 feet north of the intersection. (The improvements include removing/relocating sidewalk along with curb and gutter and a driveway approach, relocating traffic signal poles and bus stop improvements, and constructing a new street section with ADA curb ramp improvements.)

(*Calculation of fair share contribution: Total intersection volumes with the revised project (June 2015) are 3,902 vehicles during the AM peak hour and 4,633 vehicles during the PM peak hour. The project contributes 39 and 79 vehicle trips respectively. This equates to 1.0% of the morning peak hour traffic and 1.7% of the evening peak traffic. The project will contribute 1.0% of the cost for the northbound improvement and 1.7% of the cost for the southbound improvement.)

19. In exchange for the City's issuance and/or adoption of the Project Approvals, the Applicant agrees to save, keep, indemnify, hold harmless and defend the City of Redondo Beach (with counsel of City's choice), and its appointed and elected officials, officers, employees, and agents (collectively "City"), from every claim or demand made, including in particular but not limited to any claims brought seeking to overturn the Project Approvals, whether under the California Environmental Quality Act ("CEQA") or other state or local law, including attorney's fees and costs, and any attorneys' fees or costs which may be awarded to any person or party challenging the Project Approvals on any grounds. In addition, Applicant agrees to save, keep, indemnify, hold harmless and defend the City of Redondo Beach (with counsel of City's choice), and its appointed and elected officials, officers, employees, and agents (collectively "City"), from every liability, loss, damage or

expense of any nature whatsoever and all costs or expenses incurred in connection therewith, including attorneys' fees, which arise at any time, by reason of, or in any way related to the City's decision to grant the Project Approvals, or which arise out of the operation of the Applicant's business on the Property; provided, however, that in no case shall the Applicant be responsible for the active negligence of the City."

Construction Related Conditions:

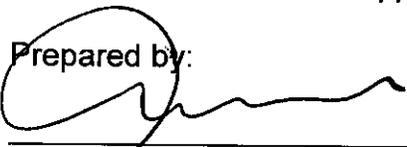
20. The applicant shall provide on-site erosion protection for the storm drainage system during construction, to the satisfaction of the Engineering Department.
21. The applicants and/or their successors shall maintain the subject property in a clean, safe, and attractive state until construction commences. Failure to maintain the subject property may result in reconsideration of this approval by the Planning Commission.
22. In the event of a disagreement in the interpretation and/or application of these conditions, the issue shall be referred back to the Planning Commission for a decision prior to the issuance of a building permit. The decision of the Planning Commission shall be final.
23. All on-site litter and debris shall be collected daily.
24. Construction work shall occur only between the hours of 7 a.m. and 6 p.m. on Monday through Friday, between 9 a.m. and 5 p.m. on Saturday, with no work occurring on Sunday and holidays.
25. Material storage on public streets shall not exceed 48-hours per load.
26. The project developer and/or general contractor shall be responsible for counseling and supervising all subcontractors and workers to ensure that neighbors are not subjected to excessive noise, disorderly behavior, or abusive language.
27. Barriers shall be erected to protect the public where streets and/or sidewalks are damaged or removed.
28. Streets and sidewalks adjacent to job sites shall be clean and free of debris.
29. **CR-1 Unanticipated Discovery of Cultural Resources.** If archaeological or paleontological resources are encountered during ground-disturbing activities, work in the immediate area shall halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service 1983) or a paleontologist meeting the Society of Vertebrate

Paleontology standards for a Qualified Professional Paleontologist (SVP 2010) shall be contacted immediately to evaluate the find. If the discovery proves to be an archaeological or paleontological resource, additional work such as data recovery excavation may be warranted pursuant to CEQA Section 21083.2. After the find has been appropriately mitigated, work in the area may resume. A Native American representative should monitor any archaeological field work associated with Native American materials

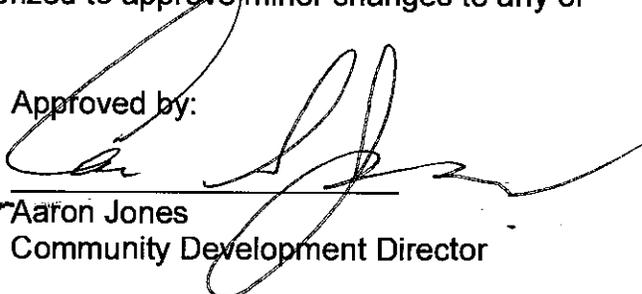
30. **GEO-1 Geotechnical Design Considerations.** The recommendations included on pages 12 through 27 in the 2013 Geotechnical Engineering Exploration Update conducted by Irvine Geotechnical, Inc. (Appendix G) related to soil engineering must be incorporated into the proposed project grading and building plans. The recommendations are related to:
 - Site preparation (general grading specifications),
 - Foundation design (general conditions, spread footings, foundation settlement),
 - Retaining walls (general design-static loading, seismic surcharge, surcharge loading, subdrain, backfill),
 - Temporary excavations (shoring, lateral design of shoring, lagging, earth anchors, anchor testing, internal bracing, deflection monitoring),
 - Floor slabs and concrete decking,
 - Corrosion,
 - Drainage (onsite surface water filtration), and
 - Waterproofing.
31. **N-1 Equipment Mufflers.** During all project construction, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained residential-grade mufflers consistent with manufacturers' standards.
32. **N-2 Stationary Equipment.** All stationary construction equipment shall be placed (at a minimum of 50 feet from the adjacent residential structures) so that emitted noise is directed away from the nearest sensitive receptors.
33. **N-3 Equipment Staging Areas.** Equipment staging shall be located in areas that will create the greatest feasible distance between construction-related noise sources and noise-sensitive receptors (at a minimum of 50 feet from the adjacent residential structures).
34. **N-4 Electrically-Powered Tools and Facilities.** Electrical power shall be used to run air compressors and similar power tools and to power any temporary equipment.

35. **N-5 Sound Barriers.** Temporary sound barriers shall be installed and maintained by the construction contractor between the construction site and sensitive residential receptors (residential buildings to the north) as needed during construction phases with high noise levels. Temporary sound barriers shall consist of either sound blankets capable of blocking approximately 20 dBA of construction noise or other sound barriers/techniques such as acoustic padding or acoustic walls placed on or in front of the existing residential buildings to the north of the project site that would reduce construction noise by approximately 20 dBA. Barriers shall be placed such that the line-of-sight between the construction equipment and adjacent sensitive land uses is blocked.
36. **Cross Walk Timing:** During construction associated with Mitigation Measure T-1 to widen Pacific Coast Highway, the signal timing on the roadway shall be adjusted with sufficient minimum crossing time for pedestrians to completely and safely cross the roadway surface. The flashing Don't Walk sign will be increased by 3.5 seconds on the south side of Pacific Coast Highway for a total of 18.5 seconds and by 1.3 seconds on the north side for a total of 19.3 seconds to accommodate the wider roadway width for crossing. Subsequent adjustments to pedestrian crossing sign timing may be made so long as they comply with the requirements of Caltrans or the California Department of Transportation.
37. The Planning Department shall be authorized to approve minor changes to any of the Conditions of Approval.

Prepared by:


Anita Kroeger
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Approved by:


Aaron Jones
Community Development Director

Hard Copy Attachments:

- Draft Resolution
- Applications
- Revised Full Scale Architectural Drawings, and
 - Sign Program
 - Signage Concepts
- Supplemental Traffic Evaluation for the Revised Project, May 29, 2015
- Revised Vesting Tentative Tract Map
- Two (2) Acoustical Studies, Davy & Associates, May, 2015:
 - Acoustical Analysis, JN2015-05 (Traffic)
 - Rooftop Mechanical Equipment, JN2015-05B
- Administrative Staff Report, March 19, 2015
- Planning Commission Minutes, March 19, 2015
- Summary of Meetings regarding Options for 180 Units
- Community Outreach Report, PEAR Strategies, June 3, 2015
- Public Correspondence

Electronic Attachments:

- (Revised) Final Initial Study – Mitigated Negative Declaration (IS-MND), Rincon, June 2015
 - Appendix A -
 - Appendix B -
 - Appendix C -
 - Appendix D -
 - Appendix E -
 - Appendix F
 - (New) Supplemental Traffic Evaluation of Revised Project
 - Traffic Impact Analysis
 - Appendix G
 - Appendix H
 - Appendix I
 - Appendix J – (Revised) Response to Comments (RTC)
 - Appendix K – Mitigation Measure Monitoring & Reporting (MMRP)

Excerpt of Planning Commission Minutes
July 16, 2015 Meeting

In response to Commissioner Rodriguez, Community Development Director Aaron Jones stated the R1 lots are the remaining lots and are not consistent with the current neighborhood.

In response to Chair Biro, Community Development Director Aaron Jones recommended a condition that the applicant work with staff to prepare a window analysis showing the relationship to abutting properties and consider changes in material, size or location, subject to Community Development Department approval.

Motion by Chair Biro, seconded by Commissioner Goodman, to approve Case No. 2015-07-PC-010, a Lot Line Adjustment to realign the property lines of three adjacent lots to the original 50-foot widths, and Planning Commission consideration of Exemption Declarations, Administrative Design Reviews, and Vesting Tentative Parcel Map Nos. 73555, 73556, and 73557, to allow the construction of three, 3-unit residential condominium developments on properties located within a Low-Density Multiple-Family Residential (R-3) zone subject to the 8 Findings and 29 Conditions in the staff report plus Condition No. 30 as recommended by staff.

Prior to the vote:

Commissioner Gaian stated he would like to see more information on the window placement and impacts to the properties before approving the project.

Commissioner Rodriguez stated he would like to see the neighborhood on presentations to allow the citizens to have the same information.

Commissioner Sanchez suggested working with staff and the applicant, and to meet with the neighbors regarding the windows.

Community Development Director Aaron Jones stated staff has met with the neighbors and will continue working with them.

Motion carried, with Commissioner Gaian voting no.

Commissioner Mitchell recused himself at 7:50 p.m.

OLD BUSINESS

10. APPROVE CONSTRUCTION OF A MIXED-USE DEVELOPMENT 1700 S. PACIFIC COAST HIGHWAY CASE NO. 2015-03-PC-005

Motion by Commissioner Sanchez, seconded by Commissioner Goodman, to open the Public Hearing and receive and file all documents at 7:51 p.m. regarding Case No. 2015-03-PC-005, the applicant being Legado Redondo, LLC, to consider adopt/certify a (Revised) Mitigated Negative Declaration, Initial Study (IS-MND), and Mitigation Monitoring and Reporting Program (including modified mitigation measures), a revised application for Conditional Use Permit, Planning Commission Design Review, Landscape and Irrigation Plans, and Minor Subdivision (Vesting Tentative Tract Map No. 72662) for the construction of a mixed-use development to include 149 residential apartment units (a reduction from 180), approximately 37,000 square feet of neighborhood serving commercial development (a reduction from 37,600), and renovation of the existing 100-room hotel. A total of 649 parking spaces (an increase from 614) will be provided, with 587 parking spaces in an enclosed parking structure and 62 spaces in an existing surface parking lot. The project is designed to be a maximum of three (3) stories and 45 feet above existing grade (a reduction from four (4) stories and 56 feet). The IS-MND is being revised, and includes an approximately

two page discussion to reflect these and other changes, and impacts are anticipated to be reduced in comparison to the previously analyzed project description. The property is located with a Mixed-Use (MU-3A) zone. Motion carried unanimously.

Senior Planner Anita Kroeger gave a staff report and discussed the following:

- Vicinity Map
- Photographs of the site
- Background
- Project Description
- Current Rendering
- Additional Project Components/Attributes
- Architecture
- Landscape/Hardscape
- Lighting
- Summary of Changes
- Issues – March 2015 Public Hearing
 - Building Height: Stories and Feet
 - Density – reduced by 18%
 - Scale of Development
 - Mass and Volume of Easterly Structure
 - East Elevation Then and Now
 - Avenue G/Project
 - PL between the 2 Sites
- Traffic
 - Study Criteria
 - 245 trips at PM Peak HR at PCH & PVB
 - Remove raised medians
 - Restriping on PCH
 - New right turn only added traveling southbound
 - New deceleration lane traveling northbound
 - Increase lane width
 - Bicycle lanes extended
 - Signal crosswalk timing extended
 - Caltrans required 12 foot lanes
 - Caltrans concur with the traffic mitigation presented
 - Safety
 - Safety/Crime Prevention Conditions
 - PD input
 - 14 specific conditions
 - All conditions must be implemented prior to issuance of C of O
 - Legado has agreed to all
 - Noise
 - 2 Acoustical Analyses – traffic/equipment
 - Neither rear access roadway, nor rooftop mechanical equipment will result in significant noise impacts
 - Apartments versus Condos
 - Extensive research indicates:
 - Largest sector of renters: 35-39 years old
 - Diversity in age, income, family status & seniors
 - Renters = homeowners pushed out during recession

- Millennials = renters-by-choice
 - S. Cal history of policies & nimbys – skyrocketing home prices & rent
- Environmental Review
 - Comprehensive Final IS-MND
 - Potentially significant unless mitigation incorporated:
 - Air quality
 - Biological resources
 - Geology/soils
 - Traffic
 - Utilities
 - Summary of 82 response to comments
 - Traffic
 - Parking
 - Access Road
 - Aesthetics
- Entitlement Process
 - IS-MND-MMRP
 - Project Entitlements
 - Conditional Use Permit
 - Planning Commission Design Review
 - Vesting Tentative Tract Map
- Project Evaluation
 - Mitigates all significant environmental impacts
 - Conforms to GP
 - Meets all development standards for MU-3A
 - Meets all criteria for CUP & PCDR
- Recommendation

Edward Zuker, CEO and family owner of Legado Companies, gave a presentation and discussed the following:

- Background of his company
- Community Outreach
- Issues
 - Size/Density/height – 53%
 - Reducing from 180 units to 149 units
 - Units per acre 55 DU/AC to 45 DU/AC
 - Stories – reduced to 2 to 3 stories
 - Height – 56 feet down to 38 feet
 - Parking – 6%
 - 614 – spaces increased to 649 spaces
 - 2 levels increased to 3 levels
 - 1.37 spaces/unit increased to 2.33 spaces/unit
 - Traffic – 29%
 - 3 lanes increased to 4 lanes
 - 10 - 11 feet lanes – all widen to 12 feet
 - Increase walkability on PCH
 - Increase alternative transportation
 - Security – 4%
 - Monitoring CCTV and AV entry system
 - Regular daily patrol by security personnel
 - Garage lighting plan

- Gates separates
 - Cell phone at all parking levels
- Other – 8%
 - Rooftop equipment Low noise equipment
 - Access Road less than existing ambient noise
 - Operation policy prevents nuisance to residents and neighbors
 - Improve wastewater system build 450 LF of new 12” wastewater system
- Enriching underutilized corner
- Summary of Proposed

Jo Ellen Parks, 504 Avenue G, supported the project and supported staff and the applicant for their input and help.

Mike Dube, 259 Paseo De Granada, believed the project is flawed and that the applicant has done inappropriate outreach and presented inaccurate data. He did not support the design and believed it doesn't belong in a beach community.

Motion by Chair Biro, seconded by Commissioner Goodman, to receive and file material presented by Mr. Dube. Motion carried unanimously.

Ray Benning, 211 Avenue G, opposed the project and believed the project should not be approved, even though it meets all code requirements and regulations, and believed it is out of place for the neighborhood and City. He also expressed concern with traffic impacts, and outreach efforts.

Amy Josefek opposed the project and expressed concern with density, the geological impacts, underground parking, traffic impacts, water impacts, impacts to the City, and the architectural design.

Pamela Cambar requested that the Commission deny the project and expressed concern with impacts to the area and the project being inappropriate. She also asked about overlay requirements and view obstructions, and questioned the land stability. She also expressed concern with the increased risk of removing the medians on PCH and accidents.

Joyce Neu, 201 Calle Miramar, expressed concern with impacts to quality of life and opposed the project. She asked that the Commission look at what is right and believed that many of the residents will be negatively impacted. She supported an agreed on vision conducted on a participatory process. She also expressed concern with the proposal and the outreach report presented by Legado. She asked there be a moratorium on all development until it is known what would be the best development for the future.

Motion by Chair Biro, seconded by Commissioner Goodman, to receive and file the results of an outreach program presented by Ms. Neu. Motion carried unanimously.

Mary Trainer opposed removing the median on PCH and asked if the tree would be removed as well. She said more mature trees are needed and expressed concern with water impacts from Legado. She opposed the proposal.

Susan Renick, 416 Avenue G, opposed the developer and massive/dense impacts to the City. She said beach cities do not fit with the glass/steel architecture presented and noted traffic and parking impacts at the beach. She supported a moratorium until a master plan is provided, and stated the collective impact needs to be assessed. She noted mixed use development failing with many impacts, and said the project will have a catastrophic impact to the community forever. She asked that the Commission not approve the project.

Walt Howells, District 2, 619 N. Irena, opposed more overdevelopment, condos and more apartments, and expressed concern with density issues. He supported developments that have a thought process for quality of life. He also did not support the architecture presented with no PV stone, and he asked that the Commission not approve the project.

Jane Abrams, 416 Avenue G, expressed concern with traffic impacts and believed the revised project is still too dense and out of character. She also expressed concern with safety issues and believed their measures will not prevent crime.

Jeff Abrams, 416 Avenue G, stated the project is still too bulky and dense with impacts to the area without the required open space. He expressed concern with the concrete wall and more bulk on the PV side and facing the hotel. He opposed the revised proposal.

Ellen Margetich presented an analysis on water usage from the project which could use up to 84,289 million gallons over a five year period.

Motion by Chair Biro, seconded by Commissioner Goodman, to receive and file documents presented by Ms. Margetich. Motion carried unanimously.

Peter Verenkoff opposed the project and the traffic analysis presented and removing the raised medians. He stated the site currently has difficulty with access and traffic circulation and believed the project will cause harm to the area.

Marilyn Brajevich, Prospect and PV Blvd., expressed concern with additional traffic on the streets and impacts to the community, and believed the City could not handle the additional traffic generated by the project.

Andy Shelby, 1800 S. Pacific Coast Highway, opposed the project as proposed and expressed concern with density, bulk, traffic and character of the project.

Arinna Shelby, 1800 S. Pacific Coast Highway, expressed concern with the proposal and impacts to the community and safety concerns. She did not support the new proposal which is still too large and overwhelms the corner and area. She also expressed concern with parking and traffic impacts.

Bruce Szeles, Torrance, supported a blue zone walkable area in the Riviera Village.

Regna Fitzgerald expressed concern with the scope of the project, especially for the corner which is out of character for the City and too massive with traffic impacts. He also expressed concern with HUD involvement. He opposed the project.

Michael Bahe, Hollywood Riviera, expressed concern with the project and impacts to the community and did not support the architecture.

Julie Moore, 416 Avenue G, opposed the project and expressed concern with the project being too large and the architecture being out of character, along with traffic and safety impacts, and traffic cutting through the neighborhoods. She also expressed concern with a massive development proposed by outside interest, basing findings on national statistics.

Stella Leoustini agreed with all concerns presented and expressed concern with more density and believed Redondo Beach should be preserved.

Don Moore did not support the presentation and the proposal and asked that the Commission vote the project down.

Lavonne Diamond expressed concern with adding more people and a hotel at an intersection which would impact the three major arteries. She also expressed concern with a lack of hospitals in the City and opposed the project.

Bertin Guillory, Avenue G, stated the building is out of character in the City and does not fit and expressed concern with traffic impacts.

Dwight Garlie, 220 Camino De Las Colinas, stated the project is too big and dense and out of place at the proposed location. He also said this will add to the current traffic congestion and safety concerns. He further said the building design is inconsistent and believed a master plan is needed.

Donna Keller, Camino De Las Colinas, expressed concern with the traffic and safety issues.

Jeralyn Kirby opposed the project at the corner and architecture which doesn't fit the area. She also expressed concern with more traffic and congestion and safety issues. She noted traffic already impacts the neighborhoods and adding more lanes on PCH will not solve the problem. She also expressed concern with losing the trees on the medians and asked that the project not be approved.

Suzanne McCune, S. Gertruda, supported comments tonight and asked that the project not be approved. She asked for a moratorium on all future developments. She also supported the beautiful building currently in place and asked that it be restored with the green lawn setback in the front. She asked that the project not be approved, and also expressed concern with safety issues when crossing PCH.

Gayle Noon asked how the businesses will be affected from the project and she expressed concern with the traffic impacts.

Judy Brunetti, Riviera Homeowners Association, expressed concern with impacts from the project on traffic, existing buildings, and character in the area. She also expressed concern with the cumulative effect ruining the area, and believed that the revised proposal is still too large, impacting the quality of life.

Rhonda Cress, Avenue G, expressed concern with removing trees and misinformation from Legado, and opposed the project.

David Garten expressed concern with the staff report and stated he opposed the project and asked that the Commission decline approval. He said the project needs to be revamped and believed it is out of character and opposed the developer's presentation.

Christina Wennstrom opposed the project and stated it is too large and out of character. She also expressed concern with impacts to small businesses in the City.

Patricia Williams, 412 Avenue G, supported a moratorium on building and opposed overdevelopment in the area and impacts to quality of life.

Carol Skramstad expressed concern with comments regarding the community being outdated and believed the large proposal will not help the walkability of the Riviera Village. She opposed the project and asked that the Commission not approve the proposal. She also suggested having a plan for the Riviera.

Honey Faith, 131 Paseo De Las Delicias, opposed the project and expressed concern with density and traffic and noted the project will add more impacts. She also expressed concern with parking impacts.

Andrea Madenwald, 122 Camino de Las Colinas, expressed concern with egress/ingress issues out of the project and noted there are already many traffic impacts in the area. She said the project is too dense and large and expressed concern with taking views away from the current hotel.

James Hursi stated the project does not fit in the community and urged the Commission to deny the project.

John Fujita, S. Helberta, expressed concern with the large proposal and asked if the analysis has been calibrated to what is new regarding the traffic study. He also expressed concern with cut through traffic to side streets and the Avenues.

Patricia Fujita expressed concern with impacts to schools from overdevelopment and traffic and parking issues.

Nils Nehrenheim, Avenue E, expressed concern with density and traffic and recommended that the traffic mitigations be implemented regardless if the project is approved. He also questioned the bike path in the rendering being in the middle of PCH.

Mark Bastion, 412 Avenue G, believed the proposal does not fit with the community and expressed concern with safety, privacy and traffic issues. He opposed the project.

Bob Hoffman, Hollywood Riviera, stated the proposed corner is very complex and requires the proper development and needs to be sustainable. He also questioned pedestrian development, development bonus, and traffic impacts, and said the City should decide what is developed, not Legado. He said it is important to learn from past mistakes and build something sustainable.

Candace Nafissi opposed the project and traffic impacts. She said it is important to think collectively and to have a master plan with a vision. She also expressed concern with staff interaction at the community meetings and City staff not being present. She urged the Commission to oppose the project and preserve the quality of life.

Gigi Gonzalez, 108 Palos Verdes Blvd., opposed the development and flawed outreach, and impacts to the City. She also questioned the leases at the property and catering to long-term tenants.

Joe Oliveri, Avenue F, opposed the aesthetics of the building and supported something that has charm and reflecting the attitude of the community.

Nancy Langdon opposed the techniques in the traffic study, and supported making the community beautiful and livable.

Melissa Price, Palos Verdes Blvd., expressed concern with traffic and impacts to the community. She questioned how PCH would be widened and believed this project will make all impacts worse.

RECESS: 10:49 P.M.

Motion by Chair Biro, seconded by Commissioner Rodriguez, to recess at 10:49 p.m. Motion carried unanimously.

RECONVENE: 10:56 P.M.

ROLL CALL

Commissioners Present: Biro, Gaian, Goodman, Rodriguez, Sanchez, Ung
Commissioners Recused: Mitchell
Officials Present: Cheryl Park, Assistant City Attorney
Tyson Sohagi, CEQA Legal Consultant
Aaron Jones, Community Development Director
Anita Kroeger, Senior Planner
Marianne Gastelum, Assistant Planner
Alex Plascencia, Associate Planner
Jason Friedman, Planning Intern
Lina Portolese, Planning Analyst

Marcie Guillermo asked about the latest update on the hotel since the fire, opposed the project, and stated the numbers of the traffic project should be checked. She did not support the architecture, and expressed concern with the traffic impacts and the major intersections. She also noted other projects are being proposed which should be considered with the traffic and she did not support removing the medians. She also asked about the bus stops on PCH and delivery trucks, noise ordinance, air ventilation, privacy, setbacks, and asked that a moratorium be in place on future development and to update the General Plan.

Susie Parrot supported the Riviera and South Redondo, and characteristics of the Village. She said development should be appropriate for the environment and asked that the Commission listen to the residents.

Rick Battolini, 88 Palos Verdes Blvd., opposed the project and noted the community has been against the project for some time. He expressed concern with safety personnel and schools, and impacts during the construction period. He also expressed concern with crime and safety issues, resources, water, trash and electricity, and stated there is a cost of doing business.

Lisa Hebrew, 1318 S. Prospect, noted sirens at the intersection all the time and believed the project will impact the area further. She said traffic will start using Prospect more and more and she opposed the project. She urged that the Commission vote no on the project.

Fernando Villa, 515 S. Flower Street, Los Angeles, applicant, responded to the following:

- Last Planning Commission meeting – consider redesigning and refining the project to be smaller in scale – comply with City’s codes rather than State
- Increase parking, reduced units, complied with all other requirements
- Project meets and exceeds all requirements – project entitled to be approved
- Traffic study very carefully prepared by City Traffic Engineer and Caltrans – carefully vetted
- Capacity has improved – intersection 10% in capacity over existing usage today
- City has delineated design criteria and stated this has been met
- Security – conditions direct result with interaction of City Police Department
- Entire site can be used to calculate density per City code
- Water impacts addressed by Legado paying for wastewater conveyance system
- Changed project as a result of community outreach and staff
- Dedicated left turning lanes mitigation measures requiring removal of some trees in the medians
- Net increase in retail 11,000 square feet
- Legado will remain the owner and has interest to see project succeed
- Initial study concluded that no significant impact to schools – fully vetted and determined
- Update on hotel fire – Legado engaged and submitted claim to the insurance company – repair site

Henry Rogers, PEAR Strategies, addressed community outreach and discussed the following:

- Process – Phase I – relied on heavy mail component
- Looked at community meetings and invited neighbors – expand network – asked for input
- Met with staff weekly to discuss what was moving forward and how to improve
- Concerns – traffic, density, size, type
- Helped to address concerns weekly
- Broader outreach took place – identified areas in the community
- District 1 – divided up – met the residents – went door to door
- District 4 and 5 in North Redondo – door to door – asked for community support
- Process and reporting changed
- Hit major community groups
- Made available and became proactive soliciting comments and concerns

In response to Commissioner Sanchez, Mr. Rogers stated they allotted time between 9 to 11 a.m. at the meetings but time went over up to approximately one hour at each meeting. He said their team walked from March to June 1 five days a week, and stated the walkers were instructed not to leave literature if no one was home. He also stated they met with the Chamber who decided not to endorse the project. He indicated they approached the Riviera BID who supported the project after two meetings. He also said the R4 Group went well who was concerned with development in the City and didn't want to involve themselves in the project, noting they were involved in a local election. He said they also met with Voices for Redondo which is a group dedicated to development of the waterfront. He also said they met with the Sunset Riviera Homeowners Association who had questions regarding the project and noted the meeting was very productive but didn't support the project. He reviewed the logistics of the meetings and said there were some individuals who refused to sign in or provide their names.

In response to Commissioner Rodriguez, Mr. Rogers said they did their best to include everyone broadly and said they did get some feedback from those near the project. He also said that reports were not provided to the Sunset Riviera as promised, and the support cards indicated 255 in support and 4 to 5 against, which included District 1, 4, 5 and parts of 2.

In response to Commissioner Ung, Mr. Rogers stated the reports were to solicit support but said negative comments were provided as well.

In response to Commissioner Goodman, Mr. Rogers stated the objective in the outreach was to broaden the scope and reach more people and then document their concerns. He also said community meeting number 3 showed the project being proposed and no comment cards were received.

Commissioner Goodman expressed concern with a discrepancy from the outreach and what the public is stating tonight at the meeting. He also said the objective is more important than the process.

Chair Biro stated the outreach should be about trust and he expressed concern with that not taking place. He also said no one on his street received any comment cards.

Mr. Rogers said they tried to show outreach and the response received.

Chair Biro noted gaps that didn't get done by Legado with the outreach.

Commissioner Gaian stated outreach was supposed to be about talking to the residents and said he never heard a word regarding this project.

Mr. Rogers also said there were community meetings that took place, listening to the neighbors which was put in a detailed report.

Commissioner Gaian expressed concern with no one coming to the meeting tonight in support of the project.

Commissioner Goodman suggested a proposed project that most people will like, and pointed out that the Commission does not have to approve this project. He believed there should be some responsibility in listening to what people have to say and believed there would be more if they had known about the project.

Commissioner Rodriguez stated based on responses tonight, the project doesn't fit with the neighborhood, being still too bulky and massive. He appreciated it being over parked but expressed concern with only having 42 bicycle spaces. He also believed concerns should have been heard in the community outreach rather than just getting the project under the wire for approval.

Commissioner Sanchez stated he wants Legado to be successful and suggested finding a way where we're all better off.

Liz Culhane, Overland Traffic Consultants, addressed traffic mitigation measures and street improvements and discussed the following:

- Based on City process
- Evaluated 11 intersections
- PCH and PVB
- Widening
- Dedicated right-turn lanes
- Removal of islands – provide left turn lanes
- Provide more facilitated movement along PCH
- Create accelerated and decelerated lanes
- Improvements increase capacity
- Accommodate project traffic and existing conditions
- Encouraging people to stay on major thoroughfares
- Sidewalk widening
- Position of bike lanes
- Credit and trip generation

Commissioner Gaian stated by allowing Vista Del Mar to stay open with a right-turn lane will create traffic issues.

Commissioner Ung expressed concern with removing the median which may create safety issues.

Commissioner Goodman stated a concern is the traffic being bad now and projects can only mitigate so much, but reducing density will reduce the impacts.

Commissioner Rodriguez stated the raised island will not gain much and the people going North on PCH will back up.

Mr. Villa stated the code has certain criteria for approval which the project has met. He also said their intent was not telling residents that they had to sign the cards. He said the reports were submitted to the City and any miscommunications to the Sunset Riviera Homeowners were not intended. He said the goal in community outreach was to elicit comments from the community to take back and decide how to revise the project. He also said they were reporting to staff after each community meeting, and the revised project was presented at the third meeting. He said the study went a long way to mitigate items to a level of

insignificance. He further said the size and density is in line with the code requirements and the project is consistent with the City Code.

Commissioner Gaian advised that even if the project meets the criteria, the process with the Planning Commission still takes place.

In response to Chair Biro, Mr. Villa believed they have the project right from what the City wants for the site and has to be conditionally approved.

Commissioner Gaian pointed out that the mixed use is mandated by the City, not Legado.

Motion by Commissioner Rodriguez, seconded by Commissioner Sanchez, to close the Public Hearing at 12:24 a.m. Motion carried unanimously.

Commissioner Goodman stated the zoning may need to be changed, and stated he is not ready to approve the project.

Commissioner Gaian pointed out that the General Plan is 23 years old but the cost is prohibitive to redo it.

Motion by Chair Biro, seconded by Commissioner Sanchez, to reopen the Public Hearing at 12:28 a.m. Motion carried unanimously.

In response to Chair Biro, Mr. Villa stated the applicant requests that the Commission vote on the item tonight.

Motion by Chair Biro, seconded by Commissioner Sanchez, to close the Public Hearing at 12:30 a.m. Motion carried unanimously.

Tyson Sohagi, CEQA Legal Counsel, spoke on the basis for denial of the project.

Assistant City Attorney Park advised a motion to continue for staff to come back with sufficient findings required under the government code so a decision of denial is supported.

Motion by Commissioner Rodriguez, seconded by Commissioner Goodman, to continue the hearing to the next Planning Commission meeting of August 20, 2015 to allow staff to come back with sufficient findings required under the Government Code so a decision of denial is supported.

Motion carried with the following roll call vote:

AYES: Rodriguez, Gaian, Ung, Goodman, Sanchez, Biro

NOES: None

RECUSED: Mitchell

Commissioner Mitchell returned to the dais at 12:37 a.m.

NEW BUSINESS

11. PROPOSED 2015-2020 CAPITAL IMPROVEMENT PROGRAM: FINDING OF CONSISTENCY WITH THE GENERAL PLAN.

Motion by Commissioner Sanchez, seconded by Commissioner Rodriguez, to adopt the following Resolution by title only:

Government Code Section 65580-65589.8

GOVERNMENT CODE

SECTION 65580-65589.8

65580. The Legislature finds and declares as follows:

(a) The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.

(b) The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels.

(c) The provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government.

(d) Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.

(e) The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.

65581. It is the intent of the Legislature in enacting this article:

(a) To assure that counties and cities recognize their responsibilities in contributing to the attainment of the state housing goal.

(b) To assure that counties and cities will prepare and implement housing elements which, along with federal and state programs, will move toward attainment of the state housing goal.

(c) To recognize that each locality is best capable of determining what efforts are required by it to contribute to the attainment of the state housing goal, provided such a determination is compatible with the state housing goal and regional housing needs.

(d) To ensure that each local government cooperates with other local governments in order to address regional housing needs.

65582. As used in this article, the following definitions apply:

(a) "Community," "locality," "local government," or "jurisdiction" means a city, city and county, or county.

(b) "Council of governments" means a single or multicounty council created by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 1 of Title 1.

(c) "Department" means the Department of Housing and Community Development.

(d) "Emergency shelter" has the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.

(e) "Housing element" or "element" means the housing element of

the community's general plan, as required pursuant to this article and subdivision (c) of Section 65302.

(f) "Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

(g) "Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

(h) "Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

65582.1. The Legislature finds and declares that it has provided reforms and incentives to facilitate and expedite the construction of affordable housing. Those reforms and incentives can be found in the following provisions:

(a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).

(b) Extension of statute of limitations in actions challenging the housing element and brought in support of affordable housing (subdivision (d) of Section 65009).

(c) Restrictions on disapproval of housing developments (Section 65589.5).

(d) Priority for affordable housing in the allocation of water and sewer hookups (Section 65589.7).

(e) Least cost zoning law (Section 65913.1).

(f) Density bonus law (Section 65915).

(g) Second dwelling units (Sections 65852.150 and 65852.2).

(h) By-right housing, in which certain multifamily housing are designated a permitted use (Section 65589.4).

(i) No-net-loss-in zoning density law limiting downzonings and density reductions (Section 65863).

(j) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 65914) or post a bond (Section 529.2 of the Code of Civil Procedure).

(k) Reduced time for action on affordable housing applications under the approval of development permits process (Article 5 (commencing with Section 65950) of Chapter 4.5).

(l) Limiting moratoriums on multifamily housing (Section 65858).

(m) Prohibiting discrimination against affordable housing (Section 65008).

(n) California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3).

(o) Community redevelopment law (Part 1 (commencing with Section

33000) of Division 24 of the Health and Safety Code, and in particular Sections 33334.2 and 33413).

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) (A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written,

objective standards that include all of the following:

- (i) The maximum number of beds or persons permitted to be served nightly by the facility.
- (ii) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.
- (iii) The size and location of exterior and interior onsite waiting and client intake areas.
- (iv) The provision of onsite management.
- (v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.
- (vi) The length of stay.
- (vii) Lighting.
- (viii) Security during hours that the emergency shelter is in operation.

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

(7) An analysis of any special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on

annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.

(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.

(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government which have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs which can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program which have not been legally obligated for other purposes and which could be available for use in preserving assisted housing developments.

(b) (1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the

community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available, and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (k). Notwithstanding the foregoing, for a local government that fails to adopt a housing element within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than three years and 120 days from the statutory deadline in Section 65588 for adoption of the housing element.

(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (b) of

Section 65583.2. The identification of sites shall include all components specified in subdivision (b) of Section 65583.2.

(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.

(8) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(d) (1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.

(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit towards its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.

(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:

(A) How the joint facility will meet the jurisdiction's emergency shelter need.

(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.

(C) The amount and source of the funding that the jurisdiction contributes to the facility.

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.

(c) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (c) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

(f) The deadline for completing required rezoning pursuant to subparagraph (A) of paragraph (1) of subdivision (c) shall be extended by one year if the local government has completed the rezoning at densities sufficient to accommodate at least 75 percent of the units for low- and very low income households and if the legislative body at the conclusion of a public hearing determines, based upon substantial evidence, that any of the following circumstances exist:

(1) The local government has been unable to complete the rezoning because of the action or inaction beyond the control of the local government of any other state, federal, or local agency.

(2) The local government is unable to complete the rezoning because of infrastructure deficiencies due to fiscal or regulatory constraints.

(3) The local government must undertake a major revision to its general plan in order to accommodate the housing-related policies of a sustainable communities strategy or an alternative planning strategy adopted pursuant to Section 65000.

The resolution and the findings shall be transmitted to the department together with a detailed budget and schedule for preparation and adoption of the required rezonings, including plans for citizen participation and expected interim action. The schedule shall provide for adoption of the required rezoning within one year of the adoption of the resolution.

(g) (1) If a local government fails to complete the rezoning by the deadline provided in subparagraph (A) of paragraph (1) of subdivision (c), as it may be extended pursuant to subdivision (f), except as provided in paragraph (2), a local government may not disapprove a housing development project, nor require a conditional use permit, planned unit development permit, or other locally imposed discretionary permit, or impose a condition that would render the project infeasible, if the housing development project (A) is proposed to be located on a site required to be rezoned pursuant to the program action required by that subparagraph and (B) complies with applicable, objective general plan and zoning standards and criteria, including design review standards, described in the program action required by that subparagraph. Any subdivision of sites shall be subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)). Design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) A local government may disapprove a housing development

described in paragraph (1) if it makes written findings supported by substantial evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(3) The applicant or any interested person may bring an action to enforce this subdivision. If a court finds that the local agency disapproved a project or conditioned its approval in violation of this subdivision, the court shall issue an order or judgment compelling compliance within 60 days. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders to ensure that the purposes and policies of this subdivision are fulfilled. In any such action, the city, county, or city and county shall bear the burden of proof.

(4) For purposes of this subdivision, "housing development project" means a project to construct residential units for which the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of at least 49 percent of the housing units for very low, low-, and moderate-income households with an affordable housing cost or affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period required by the applicable financing.

(h) An action to enforce the program actions of the housing element shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

65583.1. (a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, may allow a city or county to identify adequate sites, as required pursuant to Section 65583, by a variety of methods, including, but not limited to, redesignation of property to a more intense land use category and increasing the density allowed within one or more categories. The department may also allow a city or county to identify sites for second units based on the number of second units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department. Nothing in this section reduces the responsibility of a city or county to identify, by income category, the total number of sites for residential development as required by this article.

(b) Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action

pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the housing element demonstrates that the housing units will be available for occupancy by households within the planning period of the element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.

Any city, city and county, or county using this subdivision shall address the progress in meeting this section in the reports provided pursuant to paragraph (1) of subdivision (b) of Section 65400.

(c) (1) The Department of Housing and Community Development may allow a city or county to substitute the provision of units for up to 25 percent of the community's obligation to identify adequate sites for any income category in its housing element pursuant to paragraph (1) of subdivision (c) of Section 65583 where the community includes in its housing element a program committing the local government to provide units in that income category within the city or county that will be made available through the provision of committed assistance during the planning period covered by the element to low- and very low income households at affordable housing costs or affordable rents, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, and which meet the requirements of paragraph (2). Except as otherwise provided in this subdivision, the community may substitute one dwelling unit for one dwelling unit site in the applicable income category. The program shall do all of the following:

(A) Identify the specific, existing sources of committed assistance and dedicate a specific portion of the funds from those sources to the provision of housing pursuant to this subdivision.

(B) Indicate the number of units that will be provided to both low- and very low income households and demonstrate that the amount of dedicated funds is sufficient to develop the units at affordable housing costs or affordable rents.

(C) Demonstrate that the units meet the requirements of paragraph (2).

(2) Only units that comply with subparagraph (A), (B), or (C) qualify for inclusion in the housing element program described in paragraph (1), as follows:

(A) Units that are to be substantially rehabilitated with committed assistance from the city or county and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not eligible to be "substantially rehabilitated" unless all of the following requirements are met:

(1) At the time the unit is identified for substantial rehabilitation, (I) the local government has determined that the unit is at imminent risk of loss to the housing stock, (II) the local government has committed to provide relocation assistance pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants temporarily or permanently displaced by the rehabilitation or code enforcement activity, or the relocation is otherwise provided prior to displacement either as a condition of receivership, or provided by the property owner or the local government pursuant to Article 2.5 (commencing with Section 17975) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, or as otherwise provided by local ordinance; provided the assistance includes not less than the equivalent of four months' rent and moving expenses and comparable replacement housing consistent with the

moving expenses and comparable replacement housing required pursuant to Section 7260, (III) the local government requires that any displaced occupants will have the right to reoccupy the rehabilitated units, and (IV) the unit has been found by the local government or a court to be unfit for human habitation due to the existence of at least four violations of the conditions listed in subdivisions (a) to (g), inclusive, of Section 17995.3 of the Health and Safety Code.

(ii) The rehabilitated unit will have long-term affordability covenants and restrictions that require the unit to be available to, and occupied by, persons or families of low- or very low income at affordable housing costs for at least 20 years or the time period required by any applicable federal or state law or regulation.

(iii) Prior to initial occupancy after rehabilitation, the local code enforcement agency shall issue a certificate of occupancy indicating compliance with all applicable state and local building code and health and safety code requirements.

(B) Units that are located either on foreclosed property or in a multifamily rental or ownership housing complex of three or more units, are converted with committed assistance from the city or county from nonaffordable to affordable by acquisition of the unit or the purchase of affordability covenants and restrictions for the unit, are not acquired by eminent domain, and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not converted by acquisition or the purchase of affordability covenants unless all of the following occur:

(i) The unit is made available for rent at a cost affordable to low- or very low income households.

(ii) At the time the unit is identified for acquisition, the unit is not available at an affordable housing cost to either of the following:

(I) Low-income households, if the unit will be made affordable to low-income households.

(II) Very low income households, if the unit will be made affordable to very low income households.

(iii) At the time the unit is identified for acquisition the unit is not occupied by low- or very low income households or if the acquired unit is occupied, the local government has committed to provide relocation assistance prior to displacement, if any, pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants displaced by the conversion, or the relocation is otherwise provided prior to displacement; provided the assistance includes not less than the equivalent of four months' rent and moving expenses and comparable replacement housing consistent with the moving expenses and comparable replacement housing required pursuant to Section 7260.

(iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.

(v) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to persons of low- or very low income for not less than 55 years.

(vi) For units located in multifamily ownership housing complexes with three or more units, or on or after January 1, 2015, on foreclosed properties, at least an equal number of new-construction multifamily rental units affordable to lower income households have been constructed in the city or county within the same planning period as the number of ownership units to be converted.

(C) Units that will be preserved at affordable housing costs to persons or families of low- or very low incomes with committed assistance from the city or county by acquisition of the unit or the

purchase of affordability covenants for the unit. For purposes of this subparagraph, a unit shall not be deemed preserved unless all of the following occur:

(i) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to, and reserved for occupancy by, persons of the same or lower income group as the current occupants for a period of at least 40 years.

(ii) The unit is within an "assisted housing development," as defined in paragraph (3) of subdivision (a) of Section 65863.10.

(iii) The city or county finds, after a public hearing, that the unit is eligible, and is reasonably expected, to change from housing affordable to low- and very low income households to any other use during the next five years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use.

(iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.

(v) At the time the unit is identified for preservation it is available at affordable cost to persons or families of low- or very low income.

(3) This subdivision does not apply to any city or county that, during the current or immediately prior planning period, as defined by Section 65588, has not met any of its share of the regional need for affordable housing, as defined in Section 65584, for low- and very low income households. A city or county shall document for any housing unit that a building permit has been issued and all development and permit fees have been paid or the unit is eligible to be lawfully occupied.

(4) For purposes of this subdivision, "committed assistance" means that the city or county enters into a legally enforceable agreement during the period from the beginning of the projection period until the end of the second year of the planning period that obligates sufficient available funds to provide the assistance necessary to make the identified units affordable and that requires that the units be made available for occupancy within two years of the execution of the agreement. "Committed assistance" does not include tenant-based rental assistance.

(5) For purposes of this subdivision, "net increase" includes only housing units provided committed assistance pursuant to subparagraph (A) or (B) of paragraph (2) in the current planning period, as defined in Section 65588, that were not provided committed assistance in the immediately prior planning period.

(6) For purposes of this subdivision, "the time the unit is identified" means the earliest time when any city or county agent, acting on behalf of a public entity, has proposed in writing or has proposed orally or in writing to the property owner, that the unit be considered for substantial rehabilitation, acquisition, or preservation.

(7) In the third year of the planning period, as defined by Section 65588, in the report required pursuant to Section 65400, each city or county that has included in its housing element a program to provide units pursuant to subparagraph (A), (B), or (C) of paragraph (2) shall report in writing to the legislative body, and to the department within 30 days of making its report to the legislative body, on its progress in providing units pursuant to this subdivision. The report shall identify the specific units for which committed assistance has been provided or which have been made available to low- and very low income households, and it shall adequately document how each unit complies with this subdivision. If, by July 1 of the third year of the planning period, the city or county has not entered into an enforceable agreement of committed

assistance for all units specified in the programs adopted pursuant to subparagraph (A), (B), or (C) of paragraph (2), the city or county shall, not later than July 1 of the fourth year of the planning period, adopt an amended housing element in accordance with Section 65585, identifying additional adequate sites pursuant to paragraph (1) of subdivision (c) of Section 65583 sufficient to accommodate the number of units for which committed assistance was not provided. If a city or county does not amend its housing element to identify adequate sites to address any shortfall, or fails to complete the rehabilitation, acquisition, purchase of affordability covenants, or the preservation of any housing unit within two years after committed assistance was provided to that unit, it shall be prohibited from identifying units pursuant to subparagraph (A), (B), or (C) of paragraph (2) in the housing element that it adopts for the next planning period, as defined in Section 65586, above the number of units actually provided or preserved due to committed assistance.

(d) A city or county may reduce its share of the regional housing need by the number of units built between the start of the projection period and the deadline for adoption of the housing element. If the city or county reduces its share pursuant to this subdivision, the city or county shall include in the housing element a description of the methodology for assigning those housing units to an income category based on actual or projected sales price, rent levels, or other mechanisms establishing affordability.

65583.2. (a) A city's or county's inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, "land suitable for residential development" includes all of the following:

- (1) Vacant sites zoned for residential use.
- (2) Vacant sites zoned for nonresidential use that allows residential development.
- (3) Residentially zoned sites that are capable of being developed at a higher density.
- (4) Sites zoned for nonresidential use that can be redeveloped for, and as necessary, rezoned for, residential use.

(b) The inventory of land shall include all of the following:

- (1) A listing of properties by parcel number or other unique reference.
- (2) The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property.
- (3) For nonvacant sites, a description of the existing use of each property.
- (4) A general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.

(5) A general description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities. This information need not be identified on a site-specific basis.

(6) Sites identified as available for housing for above moderate-income households in areas not served by public sewer systems. This information need not be identified on a site-specific

basis.

(7) A map that shows the location of the sites included in the inventory, such as the land use map from the jurisdiction's general plan, for reference purposes only.

(c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, emergency shelters, and transitional housing. The city or county shall determine the number of housing units that can be accommodated on each site as follows:

(1) If local law or regulations require the development of a site at a minimum density, the department shall accept the planning agency's calculation of the total housing unit capacity on that site based on the established minimum density. If the city or county does not adopt a law or regulations requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.

(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583.

(3) For the number of units calculated to accommodate its share of the regional housing need for lower income households pursuant to paragraph (2), a city or county shall do either of the following:

(A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households.

(B) The following densities shall be deemed appropriate to accommodate housing for lower income households:

(i) For an incorporated city within a nonmetropolitan county and for a nonmetropolitan county that has a micropolitan area: sites allowing at least 15 units per acre.

(ii) For an unincorporated area in a nonmetropolitan county not included in clause (i): sites allowing at least 10 units per acre.

(iii) For a suburban jurisdiction: sites allowing at least 20 units per acre.

(iv) For a jurisdiction in a metropolitan county: sites allowing at least 30 units per acre.

(d) For purposes of this section, a metropolitan county, nonmetropolitan county, and nonmetropolitan county with a micropolitan area shall be as determined by the United States Census Bureau. A nonmetropolitan county with a micropolitan area includes the following counties: Del Norte, Humboldt, Lake, Mendocino, Nevada, Tehama, and Tuolumne and other counties as may be determined by the United States Census Bureau to be nonmetropolitan counties with micropolitan areas in the future.

(e) (1) Except as provided in paragraph (2), a jurisdiction shall be considered suburban if the jurisdiction does not meet the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (3) of subdivision (c) and is located in a Metropolitan Statistical Area (MSA) of less than 2,000,000 in population, unless that jurisdiction's population is greater than 100,000, in which case it shall be considered metropolitan. A county, not including the City

and County of San Francisco, shall be considered suburban unless the county is in an MSA of 2,000,000 or greater in population in which case the county shall be considered metropolitan.

(2) (A) (i) Notwithstanding paragraph (1), if a county that is in the San Francisco-Oakland-Fremont California MSA has a population of less than 400,000, that county shall be considered suburban. If this county includes an incorporated city that has a population of less than 100,000, this city shall also be considered suburban. This paragraph shall apply to a housing element revision cycle, as described in subparagraph (A) of paragraph (3) of subdivision (c) of Section 65580, that is in effect from July 1, 2014, to December 31, 2023, inclusive.

(ii) A county subject to this subparagraph shall utilize the sum existing in the county's housing trust fund as of June 30, 2013, for the development and preservation of housing affordable to low- and very low income households.

(B) A jurisdiction that is classified as suburban pursuant to this paragraph shall report to the Assembly Committee on Housing and Community Development, the Senate Committee on Transportation and Housing, and the Department of Housing and Community Development regarding its progress in developing low- and very low income housing consistent with the requirements of Section 65400. The report shall be provided twice, once, on or before December 31, 2019, which report shall address the initial four years of the housing element cycle, and a second time, on or before December 31, 2023, which report shall address the subsequent four years of the housing element cycle and the cycle as a whole. The reports shall be provided consistent with the requirements of Section 9795.

(F) A jurisdiction shall be considered metropolitan if the jurisdiction does not meet the requirements for "suburban area" above and is located in a MSA of 2,000,000 or greater in population, unless that jurisdiction's population is less than 25,000 in which case it shall be considered suburban.

(g) For sites described in paragraph (3) of subdivision (b), the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential. The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.

(h) The program required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 shall accommodate 100 percent of the need for housing for very low and low-income households allocated pursuant to Section 65584 for which site capacity has not been identified in the inventory of sites pursuant to paragraph (3) of subdivision (a) on sites that shall be zoned to permit owner-occupied and rental multifamily residential use by right during the planning period. Those sites shall be zoned with minimum density and development standards that permit at least 16 units per site at a density of at least 16 units per acre in jurisdictions described in clause (i) of subparagraph (B) of paragraph (3) of subdivision (c) and at least 20 units per acre in jurisdictions described in clauses (iii) and (iv) of subparagraph (B) of paragraph (3) of subdivision (c). At least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed-uses are not permitted, except that a city or county may accommodate all of the very low and low-income housing need on sites designated for mixed uses if those

sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project.

(i) For purposes of this section and Section 65583, the phrase "use by right" shall mean that the local government's review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. A local ordinance may provide that "use by right" does not exempt the use from design review. However, that design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.

(j) Notwithstanding any other provision of this section, within one-half mile of a Sonoma-Marín Area Rail Transit station, housing density requirements in place on June 30, 2014, shall apply.

(k) This section shall remain in effect only until December 31, 2023, and as of that date is repealed, unless a later enacted statute, that is enacted before December 31, 2023, deletes or extends that date.

65583.2. (a) A city's or county's inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, "land suitable for residential development" includes all of the following:

- (1) Vacant sites zoned for residential use.
- (2) Vacant sites zoned for nonresidential use that allows residential development.
- (3) Residentially zoned sites that are capable of being developed at a higher density.
- (4) Sites zoned for nonresidential use that can be redeveloped for, and, as necessary, rezoned for, residential use.

(b) The inventory of land shall include all of the following:

- (1) A listing of properties by parcel number or other unique reference.
- (2) The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property.
- (3) For nonvacant sites, a description of the existing use of each property.
- (4) A general description of any environmental constraints to the development of housing within the jurisdiction, the documentation for which has been made available to the jurisdiction. This information need not be identified on a site-specific basis.

(5) A general description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities. This information need not be identified on a site-specific basis.

(6) Sites identified as available for housing for above moderate-income households in areas not served by public sewer systems. This information need not be identified on a site-specific

basis.

(7) A map that shows the location of the sites included in the inventory, such as the land use map from the jurisdiction's general plan for reference purposes only.

(c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The analysis shall determine whether the inventory can provide for a variety of types of housing, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, emergency shelters, and transitional housing. The city or county shall determine the number of housing units that can be accommodated on each site as follows:

(1) If local law or regulations require the development of a site at a minimum density, the department shall accept the planning agency's calculation of the total housing unit capacity on that site based on the established minimum density. If the city or county does not adopt a law or regulations requiring the development of a site at a minimum density, then it shall demonstrate how the number of units determined for that site pursuant to this subdivision will be accommodated.

(2) The number of units calculated pursuant to paragraph (1) shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583.

(3) For the number of units calculated to accommodate its share of the regional housing need for lower income households pursuant to paragraph (2), a city or county shall do either of the following:

(A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households.

(B) The following densities shall be deemed appropriate to accommodate housing for lower income households:

(i) For an incorporated city within a nonmetropolitan county and for a nonmetropolitan county that has a micropolitan area: sites allowing at least 15 units per acre.

(ii) For an unincorporated area in a nonmetropolitan county not included in clause (i): sites allowing at least 10 units per acre.

(iii) For a suburban jurisdiction: sites allowing at least 20 units per acre.

(iv) For a jurisdiction in a metropolitan county: sites allowing at least 30 units per acre.

(d) For purposes of this section, a metropolitan county, nonmetropolitan county, and nonmetropolitan county with a micropolitan area shall be as determined by the United States Census Bureau. A nonmetropolitan county with a micropolitan area includes the following counties: Del Norte, Humboldt, Lake, Mendocino, Nevada, Tehama, and Tuolumne and other counties as may be determined by the United States Census Bureau to be nonmetropolitan counties with micropolitan areas in the future.

(e) A jurisdiction shall be considered suburban if the jurisdiction does not meet the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (3) of subdivision (c) and is located in a Metropolitan Statistical Area (MSA) of less than 2,000,000 in population, unless that jurisdiction's population is greater than 100,000, in which case it shall be considered metropolitan. A county, not including the City and County of San

Francisco, shall be considered suburban unless the county is in an MSA of 2,000,000 or greater in population in which case the county shall be considered metropolitan.

(f) A jurisdiction shall be considered metropolitan if the jurisdiction does not meet the requirements for "suburban area" above and is located in an MSA of 2,000,000 or greater in population, unless that jurisdiction's population is less than 25,000 in which case it shall be considered suburban.

(g) For sites described in paragraph (3) of subdivision (b), the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential. The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.

(h) The program required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 shall accommodate 100 percent of the need for housing for very low and low-income households allocated pursuant to Section 65584 for which site capacity has not been identified in the inventory of sites pursuant to paragraph (3) of subdivision (a) on sites that shall be zoned to permit owner-occupied and rental multifamily residential use by right during the planning period. These sites shall be zoned with minimum density and development standards that permit at least 16 units per site at a density of at least 16 units per acre in jurisdictions described in clause (i) of subparagraph (B) of paragraph (3) of subdivision (c) and at least 20 units per acre in jurisdictions described in clauses (iii) and (iv) of subparagraph (B) of paragraph (3) of subdivision (c). At least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed-uses are not permitted, except that a city or county may accommodate all of the very low and low-income housing need on sites designated for mixed uses if those sites allow 100 percent residential use and require that residential use occupy 50 percent of the total floor area of a mixed-use project.

(i) For purposes of this section and Section 65583, the phrase "use by right" shall mean that the local government's review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. A local ordinance may provide that "use by right" does not exempt the use from design review. However, that design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65509.5.

(j) This section shall become operative on December 31, 2023.

65584. (a) (1) For the fourth and subsequent revisions of the housing element pursuant to Section 65586, the department shall determine the existing and projected need for housing for each region pursuant to this article. For purposes of subdivision (a) of Section

65583, the share of a city or county of the regional housing need shall include that share of the housing need of persons at all income levels within the area significantly affected by the general plan of the city or county.

(2) While it is the intent of the Legislature that cities, counties, and cities and counties should undertake all necessary actions to encourage, promote, and facilitate the development of housing to accommodate the entire regional housing need, it is recognized, however, that future housing production may not equal the regional housing need established for planning purposes.

(b) The department, in consultation with each council of governments, shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least two years prior to the scheduled revision required pursuant to Section 65588. The appropriate council of governments, or for cities and counties without a council of governments, the department, shall adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county at least one year prior to the scheduled revision for the region required by Section 65588. The allocation plan prepared by a council of governments shall be prepared pursuant to Sections 65584.04 and 65584.05 with the advice of the department.

(c) Notwithstanding any other provision of law, the due dates for the determinations of the department or for the council of governments, respectively, regarding the regional housing need may be extended by the department by not more than 60 days if the extension will enable access to more recent critical population or housing data from a pending or recent release of the United States Census Bureau or the Department of Finance. If the due date for the determination of the department or the council of governments is extended for this reason, the department shall extend the corresponding housing element revision deadline pursuant to Section 65588 by not more than 60 days.

(d) The regional housing needs allocation plan shall be consistent with all of the following objectives:

(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.

(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns.

(3) Promoting an improved intraregional relationship between jobs and housing.

(4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent decennial United States census.

(e) For purposes of this section, "household income levels" are as determined by the department as of the most recent decennial census pursuant to the following code sections:

(1) Very low incomes as defined by Section 50105 of the Health and Safety Code.

(2) Lower incomes, as defined by Section 50079.5 of the Health and Safety Code.

(3) Moderate incomes, as defined by Section 50093 of the Health and Safety Code.

(4) Above moderate incomes are those exceeding the moderate-income

level of Section 50093 of the Health and Safety Code.

(f) Notwithstanding any other provision of law, determinations made by the department, a council of governments, or a city or county pursuant to this section or Section 65584.01, 65584.02, 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08 are exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

65584.01. (a) For the fourth and subsequent revision of the housing element pursuant to Section 65588, the department, in consultation with each council of governments, where applicable, shall determine the existing and projected need for housing for each region in the following manner:

(b) The department's determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments. If the total regional population forecast for the planning period, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of 3 percent of the total regional population forecast for the planning period over the same time period by the Department of Finance, then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region. If the difference between the total population growth projected by the council of governments and the total population growth projected for the region by the Department of Finance is greater than 3 percent, then the department and the council of governments shall meet to discuss variances in methodology used for population projections and seek agreement on a population projection for the region to be used as a basis for determining the existing and projected housing need for the region. If no agreement is reached, then the population projection for the region shall be the population projection for the region prepared by the Department of Finance as may be modified by the department as a result of discussions with the council of governments.

(c) (1) At least 26 months prior to the scheduled revision pursuant to Section 65588 and prior to developing the existing and projected housing need for a region, the department shall meet and consult with the council of governments regarding the assumptions and methodology to be used by the department to determine the region's housing needs. The council of governments shall provide data assumptions from the council's projections, including, if available, the following data for the region:

(A) Anticipated household growth associated with projected population increases.

(B) Household size data and trends in household size.

(C) The rate of household formation, or headship rates, based on age, gender, ethnicity, or other established demographic measures.

(D) The vacancy rates in existing housing stock, and the vacancy rates for healthy housing market functioning and regional mobility, as well as housing replacement needs.

(E) Other characteristics of the composition of the projected population.

(F) The relationship between jobs and housing, including any imbalance between jobs and housing.

(2) The department may accept or reject the information provided by the council of governments or modify its own assumptions or

methodology based on this information. After consultation with the council of governments, the department shall make determinations in writing on the assumptions for each of the factors listed in subparagraphs (A) to (F), inclusive, of paragraph (1) and the methodology it shall use and shall provide these determinations to the council of governments.

(d) (1) After consultation with the council of governments, the department shall make a determination of the region's existing and projected housing need based upon the assumptions and methodology determined pursuant to subdivision (c). The region's existing and projected housing need shall reflect the achievement of a feasible balance between jobs and housing within the region using the regional employment projections in the applicable regional transportation plan. Within 30 days following notice of the determination from the department, the council of governments may file an objection to the department's determination of the region's existing and projected housing need with the department.

(2) The objection shall be based on and substantiate either of the following:

(A) The department failed to base its determination on the population projection for the region established pursuant to subdivision (b), and shall identify the population projection which the council of governments believes should instead be used for the determination and explain the basis for its rationale.

(B) The regional housing need determined by the department is not a reasonable application of the methodology and assumptions determined pursuant to subdivision (c). The objection shall include a proposed alternative determination of its regional housing need based upon the determinations made in subdivision (c), including analysis of why the proposed alternative would be a more reasonable application of the methodology and assumptions determined pursuant to subdivision (c).

(3) If a council of governments files an objection pursuant to this subdivision and includes with the objection a proposed alternative determination of its regional housing need, it shall also include documentation of its basis for the alternative determination. Within 45 days of receiving an objection filed pursuant to this section, the department shall consider the objection and make a final written determination of the region's existing and projected housing need that includes an explanation of the information upon which the determination was made.

65584.02. (a) For the fourth and subsequent revisions of the housing element pursuant to Section 65588, the existing and projected need for housing may be determined for each region by the department as follows, as an alternative to the process pursuant to Section 65584.01:

(1) In a region in which at least one subregion has accepted delegated authority pursuant to Section 65584.03, the region's housing need shall be determined at least 26 months prior to the housing element update deadline pursuant to Section 65588. In a region in which no subregion has accepted delegation pursuant to Section 65584.03, the region's housing need shall be determined at least 24 months prior to the housing element deadline.

(2) At least six months prior to the department's determination of regional housing need pursuant to paragraph (1), a council of governments may request the use of population and household forecast assumptions used in the regional transportation plan. This request

shall include all of the following:

(A) Proposed data and assumptions for factors contributing to housing need beyond household growth identified in the forecast. These factors shall include allowance for vacant or replacement units, and may include other adjustment factors.

(B) A proposed planning period that is not longer than the period of time covered by the regional transportation improvement plan or plans of the region pursuant to Section 14527, but a period not less than five years, and not longer than six years.

(C) A comparison between the population and household assumptions used for the Regional Transportation Plan with population and household estimates and projections of the Department of Finance.

(b) The department shall consult with the council of governments regarding requests submitted pursuant to paragraph (2) of subdivision (a). The department may seek advice and consult with the Demographic Research Unit of the Department of Finance, the State Department of Transportation, a representative of a contiguous council of governments, and any other party as deemed necessary. The department may request that the council of governments revise data, assumptions, or methodology to be used for the determination of regional housing need, or may reject the request submitted pursuant to paragraph (2) of subdivision (a). Subsequent to consultation with the council of governments, the department will respond in writing to requests submitted pursuant to paragraph (1) of subdivision (a).

(c) If the council of governments does not submit a request pursuant to subdivision (a), or if the department rejects the request of the council of governments, the determination for the region shall be made pursuant to Sections 65584 and 65584.01.

65584.03. (a) At least 28 months prior to the scheduled housing element update required by Section 65588, at least two or more cities and a county, or counties, may form a subregional entity for the purpose of allocation of the subregion's existing and projected need for housing among its members in accordance with the allocation methodology established pursuant to Section 65584.04. The purpose of establishing a subregion shall be to recognize the community of interest and mutual challenges and opportunities for providing housing within a subregion. A subregion formed pursuant to this section may include a single county and each of the cities in that county or any other combination of geographically contiguous local governments and shall be approved by the adoption of a resolution by each of the local governments in the subregion as well as by the council of governments. All decisions of the subregion shall be approved by vote as provided for in rules adopted by the local governments comprising the subregion or shall be approved by vote of the county or counties, if any, and the majority of the cities with the majority of population within a county or counties.

(b) Upon formation of the subregional entity, the entity shall notify the council of governments of this formation. If the council of governments has not received notification from an eligible subregional entity at least 28 months prior to the scheduled housing element update required by Section 65588, the council of governments shall implement the provisions of Sections 65584 and 65584.04. The delegate subregion and the council of governments shall enter into an agreement that sets forth the process, timing, and other terms and conditions of the delegation of responsibility by the council of governments to the subregion.

(c) At least 25 months prior to the scheduled revision, the

council of governments shall determine the share of regional housing need assigned to each delegate subregion. The share or shares allocated to the delegate subregion or subregions by a council of governments shall be in a proportion consistent with the distribution of households assumed for the comparable time period of the applicable regional transportation plan. Prior to allocating the regional housing needs to any delegate subregion or subregions, the council of governments shall hold at least one public hearing, and may consider requests for revision of the proposed allocation to a subregion. If a proposed revision is rejected, the council of governments shall respond with a written explanation of why the proposed revised share has not been accepted.

(d) Each delegate subregion shall fully allocate its share of the regional housing need to local governments within its subregion. If a delegate subregion fails to complete the regional housing need allocation process among its member jurisdictions in a manner consistent with this article and with the delegation agreement between the subregion and the council of governments, the allocations to member jurisdictions shall be made by the council of governments.

65584.04. (a) At least two years prior to a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall develop a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. The methodology shall be consistent with the objectives listed in subdivision (d) of Section 65584.

(b) (1) No more than six months prior to the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision (d) that will allow the development of a methodology based upon the factors established in subdivision (d).

(2) The council of governments shall seek to obtain the information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.

(3) The information provided by a local government pursuant to this section shall be used, to the extent possible, by the council of governments, or delegate subregion as applicable, as source information for the methodology developed pursuant to this section. The survey shall state that none of the information received may be used as a basis for reducing the total housing need established for the region pursuant to Section 65584.01.

(4) If the council of governments fails to conduct a survey pursuant to this subdivision, a city, county, or city and county may submit information related to the items listed in subdivision (d) prior to the public comment period provided for in subdivision (c).

(c) Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort to achieve public participation of all economic segments of the community. The proposed methodology, along with any relevant underlying data and assumptions, and an explanation of how information about local government conditions gathered pursuant to

subdivision (b) has been used to develop the proposed methodology, and how each of the factors listed in subdivision (d) is incorporated into the methodology, shall be distributed to all cities, counties, any subregions, and members of the public who have made a written request for the proposed methodology. The council of governments, or delegate subregion, as applicable, shall conduct at least one public hearing to receive oral and written comments on the proposed methodology.

(d) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:

(1) Each member jurisdiction's existing and projected jobs and housing relationship.

(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis.

(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated area.

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.

(4) The market demand for housing.

(5) Agreements between a county and cities in a county to direct growth toward incorporated areas of the county.

(6) The loss of units contained in assisted housing developments, as defined in paragraph (9) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.

(7) High-housing cost burdens.

(8) The housing needs of farmworkers.

(9) The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.

(10) Any other factors adopted by the council of governments.

(e) The council of governments, or delegate subregion, as

applicable, shall explain in writing how each of the factors described in subdivision (d) was incorporated into the methodology and how the methodology is consistent with subdivision (d) of Section 65584. The methodology may include numerical weighting.

(f) Any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits issued by a city or county shall not be a justification for a determination or a reduction in the share of a city or county of the regional housing need.

(g) In addition to the factors identified pursuant to subdivision (d), the council of governments, or delegate subregion, as applicable, shall identify any existing local, regional, or state incentives, such as a priority for funding or other incentives available to those local governments that are willing to accept a higher share than proposed in the draft allocation to those local governments by the council of governments or delegate subregion pursuant to Section 65584.05.

(h) Following the conclusion of the 60-day public comment period described in subdivision (c) on the proposed allocation methodology, and after making any revisions deemed appropriate by the council of governments, or delegate subregion, as applicable, as a result of comments received during the public comment period, each council of governments, or delegate subregion, as applicable, shall adopt a final regional, or subregional, housing need allocation methodology and provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion as applicable, and to the department.

(i) (1) It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy.

(2) The final allocation plan shall ensure that the total regional housing need, by income category, as determined under Section 65584, is maintained, and that each jurisdiction in the region receive an allocation of units for low- and very low income households.

(3) The resolution approving the final housing need allocation plan shall demonstrate that the plan is consistent with the sustainable communities strategy in the regional transportation plan.

65584.05. (a) At least one and one-half years prior to the scheduled revision required by Section 65588, each council of governments and delegate subregion, as applicable, shall distribute a draft allocation of regional housing needs to each local government in the region or subregion, where applicable, based on the methodology adopted pursuant to Section 65584.04. The draft allocation shall include the underlying data and methodology on which the allocation is based. It is the intent of the Legislature that the draft allocation should be distributed prior to the completion of the update of the applicable regional transportation plan. The draft allocation shall distribute to localities and subregions, if any, within the region the entire regional housing need determined pursuant to Section 65584.01 or within subregions, as applicable, the subregion's entire share of the regional housing need determined pursuant to Section 65584.03.

(b) Within 60 days following receipt of the draft allocation, a local government may request from the council of governments or the

delegate subregion, as applicable, a revision of its share of the regional housing need in accordance with the factors described in paragraphs (1) to (9), inclusive, of subdivision (d) of Section 65584.04, including any information submitted by the local government to the council of governments pursuant to subdivision (b) of that section. The request for a revised share shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation.

(c) Within 60 days after the request submitted pursuant to subdivision (b), the council of governments or delegate subregion, as applicable, shall accept the proposed revision, modify its earlier determination, or indicate, based upon the information and methodology described in Section 65584.04, why the proposed revision is inconsistent with the regional housing need.

(d) If the council of governments or delegate subregion, as applicable, does not accept the proposed revised share or modify the revised share to the satisfaction of the requesting party, the local government may appeal its draft allocation based upon either or both of the following criteria:

(1) The council of governments or delegate subregion, as applicable, failed to adequately consider the information submitted pursuant to subdivision (b) of Section 65584.04, or a significant and unforeseen change in circumstances has occurred in the local jurisdiction that merits a revision of the information submitted pursuant to that subdivision.

(2) The council of governments or delegate subregion, as applicable, failed to determine its share of the regional housing need in accordance with the information described in, and the methodology established pursuant to Section 65584.04.

(e) The council of governments or delegate subregion, as applicable, shall conduct public hearings to hear all appeals within 60 days after the date established to file appeals. The local government shall be notified within 10 days by certified mail, return receipt requested, of at least one public hearing on its appeal. The date of the hearing shall be at least 30 days and not more than 35 days after the date of the notification. Before taking action on an appeal, the council of governments or delegate subregion, as applicable, shall consider all comments, recommendations, and available data based on accepted planning methodologies submitted by the appellant. The final action of the council of governments or delegate subregion, as applicable, on an appeal shall be in writing and shall include information and other evidence explaining how its action is consistent with this article. The final action on an appeal may require the council of governments or delegate subregion, as applicable, to adjust the allocation of a local government that is not the subject of an appeal.

(f) The council of governments or delegate subregion, as applicable, shall issue a proposed final allocation within 45 days after the completion of the 60-day period for hearing appeals. The proposed final allocation plan shall include responses to all comments received on the proposed draft allocation and reasons for any significant revisions included in the final allocation.

(g) In the proposed final allocation plan, the council of governments or delegate subregion, as applicable, shall adjust allocations to local governments based upon the results of the revision request process and the appeals process specified in this section. If the adjustments total 7 percent or less of the regional housing need determined pursuant to Section 65584.01, or, as applicable, total 7 percent or less of the subregion's share of the regional housing need as determined pursuant to Section 65584.03,

then the council of governments or delegate subregion, as applicable, shall distribute the adjustments proportionally to all local governments. If the adjustments total more than 7 percent of the regional housing need, then the council of governments or delegate subregion, as applicable, shall develop a methodology to distribute the amount greater than the 7 percent to local governments. In no event shall the total distribution of housing need equal less than the regional housing need, as determined pursuant to Section 65584.01, nor shall the subregional distribution of housing need equal less than its share of the regional housing need as determined pursuant to Section 65584.03. Two or more local governments may agree to an alternate distribution of appealed housing allocations between the affected local governments. If two or more local governments agree to an alternative distribution of appealed housing allocations that maintains the total housing need originally assigned to these communities, then the council of governments shall include the alternative distribution in the final allocation plan.

(h) Within 45 days after the issuance of the proposed final allocation plan by the council of governments and each delegate subregion, as applicable, the council of governments shall hold a public hearing to adopt a final allocation plan. To the extent that the final allocation plan fully allocates the regional share of statewide housing need, as determined pursuant to Section 65584.01, the council of governments shall have final authority to determine the distribution of the region's existing and projected housing need as determined pursuant to Section 65584.01. The council of governments shall submit its final allocation plan to the department within three days of adoption. Within 60 days after the department's receipt of the final allocation plan adopted by the council of governments, the department shall determine whether or not the final allocation plan is consistent with the existing and projected housing need for the region, as determined pursuant to Section 65584.01. The department may revise the determination of the council of governments if necessary to obtain this consistency.

(i) Any authority of the council of governments to review and revise the share of a city or county of the regional housing need under this section shall not constitute authority to revise, approve, or disapprove the manner in which the share of the city or county of the regional housing need is implemented through its housing program.

65584.06. (a) For cities and counties without a council of governments, the department shall determine and distribute the existing and projected housing need, in accordance with Section 65584 and this section. If the department determines that a county or counties, supported by a resolution adopted by the board or boards of supervisors, and a majority of cities within the county or counties representing a majority of the population of the county or counties, possess the capability and resources and has agreed to accept the responsibility, with respect to its jurisdiction, for the distribution of the regional housing need, the department shall delegate this responsibility to the cities and county or counties.

(b) The distribution of regional housing need shall, based upon available data and in consultation with the cities and counties, take into consideration market demand for housing, the distribution of household growth within the county assumed in the regional transportation plan where applicable, employment opportunities and commuting patterns, the availability of suitable sites and public facilities, agreements between a county and cities in a county to

direct growth toward incorporated areas of the county, or other considerations as may be requested by the affected cities or counties and agreed to by the department. As part of the allocation of the regional housing need, the department shall provide each city and county with data describing the assumptions and methodology used in calculating its share of the regional housing need. Consideration of suitable housing sites or land suitable for urban development is not limited to existing zoning ordinances and land use restrictions of a locality, but shall include consideration of the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(c) Within 90 days following the department's determination of a draft distribution of the regional housing need to the cities and the county, a city or county may propose to revise the determination of its share of the regional housing need in accordance with criteria set forth in the draft distribution. The proposed revised share shall be based upon comparable data available for all affected jurisdictions, and accepted planning methodology, and shall be supported by adequate documentation.

(d) (1) Within 60 days after the end of the 90-day time period for the revision by the cities or county, the department shall accept the proposed revision, modify its earlier determination, or indicate why the proposed revision is inconsistent with the regional housing need.

(2) If the department does not accept the proposed revision, then, within 30 days, the city or county may request a public hearing to review the determination.

(3) The city or county shall be notified within 30 days by certified mail, return receipt requested, of at least one public hearing regarding the determination.

(4) The date of the hearing shall be at least 10 but not more than 15 days from the date of the notification.

(5) Before making its final determination, the department shall consider all comments received and shall include a written response to each request for revision received from a city or county.

(e) If the department accepts the proposed revision or modifies its earlier determination, the city or county shall use that share. If the department grants a revised allocation pursuant to subdivision (d), the department shall ensure that the total regional housing need is maintained. The department's final determination shall be in writing and shall include information explaining how its action is consistent with this section. If the department indicates that the proposed revision is inconsistent with the regional housing need, the city or county shall use the share that was originally determined by the department. The department, within its final determination, may adjust the allocation of a city or county that was not the subject of a request for revision of the draft distribution.

(f) The department shall issue a final regional housing need allocation for all cities and counties within 45 days of the completion of the local review period.

65584.07. (a) During the period between adoption of a final regional housing needs allocation and the due date of the housing

element update under Section 65588, the council of governments, or the department, whichever assigned the county's share, shall reduce the share of regional housing needs of a county if all of the following conditions are met:

- (1) One or more cities within the county agree to increase its share or their shares in an amount equivalent to the reduction.
- (2) The transfer of shares shall only occur between a county and cities within that county.
- (3) The county's share of low-income and very low income housing shall be reduced only in proportion to the amount by which the county's share of moderate- and above moderate-income housing is reduced.
- (4) The council of governments or the department, whichever assigned the county's share, shall approve the proposed reduction, if it determines that the conditions set forth in paragraphs (1), (2), and (3) above have been satisfied. The county and city or cities proposing the transfer shall submit an analysis of the factors and circumstances, with all supporting data, justifying the revision to the council of governments or the department. The council of governments shall submit a copy of its decision regarding the proposed reduction to the department.

(b) (1) The county and cities that have executed transfers of regional housing needs pursuant to subdivision (a) shall use the revised regional housing need allocation in their housing elements and shall adopt their housing elements by the deadlines set forth in Section 65588.

(2) A city that has received a transfer of a regional housing need pursuant to subdivision (c) shall adopt or amend its housing element within 30 months of the effective date of incorporation.

(3) A county or city that has received a transfer of regional housing need pursuant to subdivision (d) shall amend its housing element within 180 days of the effective date of the transfer.

(4) A county or city is responsible for identifying sites to accommodate its revised regional housing need by the deadlines set forth in paragraphs (1), (2), and (3).

(5) All materials and data used to justify any revision shall be made available upon request to any interested party within seven days upon payment of reasonable costs of reproduction unless the costs are waived due to economic hardship. A fee may be charged to interested parties for any additional costs caused by the amendments made to former subdivision (c) of Section 65584 that reduced from 45 to 7 days the time within which materials and data were required to be made available to interested parties.

(c) (1) If an incorporation of a new city occurs after the council of governments, subregional entity, or the department for areas with no council of governments, has made its final allocation under Section 65584.03, 65584.04, 65584.06, or 65584.08, a portion of the county's allocation shall be transferred to the new city. The city and county may reach a mutually acceptable agreement for transfer of a portion of the county's allocation to the city, which shall be accepted by the council of governments, subregional entity, or the department, whichever allocated the county's share. If the affected parties cannot reach a mutually acceptable agreement, then either party may submit a written request to the council of governments, subregional entity, or to the department for areas with no council of governments, to consider the facts, data, and methodology presented by both parties and determine the number of units, by income category, that should be transferred from the county's allocation to the new city.

(2) Within 90 days after the date of incorporation, either the transfer, by income category, agreed upon by the city and county, or

a written request for a transfer, shall be submitted to the council of governments, subregional entity, or to the department, whichever allocated the county's share. A mutually acceptable transfer agreement shall be effective immediately upon receipt by the council of governments, the subregional entity, or the department. A copy of a written transfer request submitted to the council of governments shall be submitted to the department. The council of governments, subregional entity, or the department, whichever allocated the county's share, shall make the transfer effective within 180 days after receipt of the written request. If the council of governments allocated the county's share, the transfer shall be based on the methodology adopted pursuant to Section 65584.04 or 65584.08. If the subregional entity allocated the subregion's share, the transfer shall be based on the methodology adopted pursuant to Section 65584.03. If the department allocated the county's share, the transfer shall be based on the considerations specified in Section 65584.06. The transfer shall neither reduce the total regional housing needs nor change the regional housing needs allocated to other cities by the council of governments, subregional entity, or the department. A copy of the transfer finalized by the council of governments or subregional entity shall be submitted to the department. The council of governments, the subregional entity, or the department, as appropriate, may extend the 90-day deadline if it determines an extension is consistent with the objectives of this article.

(d) (1) If an annexation of unincorporated land to a city occurs after the council of governments, subregional entity, or the department for areas with no council of governments, has made its final allocation under Section 65584.03, 65584.04, 65584.06, or 65584.08, a portion of the county's allocation may be transferred to the city. The city and county may reach a mutually acceptable agreement for transfer of a portion of the county's allocation to the city, which shall be accepted by the council of governments, subregional entity, or the department, whichever allocated the county's share. If the affected parties cannot reach a mutually acceptable agreement, then either party may submit a written request to the council of governments, subregional entity, or to the department for areas with no council of governments, to consider the facts, data, and methodology presented by both parties and determine the number of units, by income category, that should be transferred from the county's allocation to the city.

(2) (A) Except as provided under subparagraph (B), within 90 days after the date of annexation, either the transfer, by income category, agreed upon by the city and county, or a written request for a transfer, shall be submitted to the council of governments, subregional entity, and to the department. A mutually acceptable transfer agreement shall be effective immediately upon receipt by the council of governments, the subregional entity, or the department. The council of governments, subregional entity, or the department for areas with no council of governments, shall make the transfer effective within 180 days after receipt of the written request. If the council of governments allocated the county's share, the transfer shall be based on the methodology adopted pursuant to Section 65584.04 or 65584.08. If the subregional entity allocated the subregion's share, the transfer shall be based on the methodology adopted pursuant to Section 65584.03. If the department allocated the county's share, the transfer shall be based on the considerations specified in Section 65584.06. The transfer shall neither reduce the total regional housing needs nor change the regional housing needs allocated to other cities by the council of governments, subregional

entity, or the department for areas with no council of governments. A copy of the transfer finalized by the council of governments or subregional entity shall be submitted to the department. The council of governments, the subregional entity, or the department, as appropriate, may extend the 90-day deadline if it determines an extension is consistent with the objectives of this article.

(B) If the annexed land is subject to a development agreement authorized under subdivision (b) of Section 65865 that was entered into by a city and a landowner prior to January 1, 2006, the revised determination shall be based upon the number of units allowed by the development agreement.

(3) A transfer shall not be made when the council of governments or the department, as applicable, confirms that the annexed land was fully incorporated into the methodology used to allocate the city's share of the regional housing needs.

65584.09. (a) For housing elements due pursuant to Section 65588 on or after January 1, 2006, if a city or county in the prior planning period failed to identify or make available adequate sites to accommodate that portion of the regional housing need allocated pursuant to Section 65584, then the city or county shall, within the first year of the planning period of the new housing element, zone or rezone adequate sites to accommodate the unaccommodated portion of the regional housing need allocation from the prior planning period.

(b) The requirements under subdivision (a) shall be in addition to any zoning or rezoning required to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584 for the new planning period.

(c) Nothing in this section shall be construed to diminish the requirement of a city or county to accommodate its share of the regional housing need for each income level during the planning period set forth in Section 65588, including the obligations to (1) implement programs included pursuant to Section 65583 to achieve the goals and objectives, including programs to zone or rezone land, and (2) timely adopt a housing element with an inventory described in paragraph (3) of subdivision (a) of Section 65583 and a program to make sites available pursuant to paragraph (1) of subdivision (c) of Section 65583, which can accommodate the jurisdiction's share of the regional housing need.

65584.1. Councils of government may charge a fee to local governments to cover the projected reasonable, actual costs of the council in distributing regional housing needs pursuant to this article. Any fee shall not exceed the estimated amount required to implement its obligations pursuant to Sections 65584, 65584.01, 65584.02, 65584.03, 65584.04, 65584.05, and 65584.07. A city, county, or city and county may charge a fee, not to exceed the amount charged in the aggregate to the city, county, or city and county by the council of governments, to reimburse it for the cost of the fee charged by the council of government to cover the council's actual costs in distributing regional housing needs. The legislative body of the city, county, or city and county shall impose the fee pursuant to Section 66016, except that if the fee creates revenue in excess of actual costs, those revenues shall be refunded to the payers of the fee.

65584.2. A local government may, but is not required to, conduct a review or appeal regarding allocation data provided by the department or the council of governments pertaining to the locality's share of the regional housing need or the submittal of data or information for a proposed allocation, as permitted by this article.

65584.3. (a) A city that is incorporated to promote commerce and industry, that is located in the County of Los Angeles, and that has no residentially zoned land within its boundaries on January 1, 1992, may elect to adopt a housing element that makes no provision for new housing or the share of regional housing needs as determined pursuant to Section 65584 for the current and subsequent revisions of the housing element pursuant to Section 65588, for the period of time that 20 percent of all tax increment revenue accruing from all redevelopment projects, and required to be set aside for low- and moderate-income housing pursuant to Section 33334.2 of the Health and Safety Code, is annually transferred to the Housing Authority of the County of Los Angeles.

(b) (1) The amount of tax increment to be transferred each year pursuant to subdivision (a) shall be determined at the end of each fiscal year, commencing with the 1992-93 fiscal year. This amount shall be transferred within 30 days of the agency receiving each installment of its allocation of tax increment moneys, commencing in 1993.

(2) On or before December 31, 1992, the agency shall make an additional payment to the Housing Authority of the County of Los Angeles that eliminates any indebtedness to the low- and moderate-income housing fund pursuant to Section 33334.3. This amount shall be reduced by any amount actually expended by the redevelopment agency for principal or interest payments on agency bonds issued prior to the effective date of the act that adds this section, when that portion of the agency's tax increment revenue representing the low- and moderate-income housing set-aside funds was lawfully pledged as security for the bonds, and only to the extent that other tax increment revenue in excess of the 20-percent low- and moderate-income set-aside funds is insufficient in that fiscal year to meet in full the principal and interest payments.

(c) The Department of Housing and Community Development shall annually review the calculation and determination of the amount transferred pursuant to subdivisions (a) and (b). The department may conduct an audit of these funds if and when the Director of Housing and Community Development deems an audit appropriate.

(d) The amount transferred pursuant to subdivisions (a) and (b) shall fulfill the obligation of that city's redevelopment agency to provide for housing for low- and moderate-income families and individuals pursuant to Sections 33334.2 to 33334.16, inclusive, of the Health and Safety Code. The use of these funds for low- and moderate-income families in the region of the Southern California Association of Governments within which the city is located shall be deemed to be of benefit to the city's redevelopment project areas.

(e) (1) The amount transferred pursuant to subdivisions (a) and (b) to the Housing Authority of the County of Los Angeles shall be expended to provide housing and assistance, including, but not limited to, that specified in subdivision (e) of Section 33334.2 of the Health and Safety Code for low- and moderate-income families and individuals, in the region of the Southern California Association of

Governments within which the city is located.

(2) Funds expended pursuant to this subdivision shall be expended in accordance with all of the following:

(A) The funds shall be expended for the construction of low- and moderate-income housing located no further than 15 miles from the nearest boundary line of the City of Industry.

(B) The low- and moderate-income housing constructed pursuant to this subdivision shall be in addition to any other housing required by the housing element of the general plan of the jurisdiction in which the low- and moderate-income housing is constructed.

(C) Funds may be encumbered by the Housing Authority of the County of Los Angeles for the purposes of this subdivision only after the authority has prepared a written plan for the expenditure of funds to be transferred to the authority pursuant to this subdivision and has filed a copy of this expenditure plan with the Department of Housing and Community Development.

(f) A city that meets the conditions specified in subdivision (d) shall continue to have responsibility for preparing a housing element pursuant to Section 65583 only to the extent to which the assessment of housing needs, statement of goals and objectives, and the five-year schedule of actions relate to the city's plan to maintain, preserve, and improve the housing that exists in the city on the effective date of the act which adds this section.

(g) This section shall not become operative unless and until a parcel of land, to be dedicated for the construction of a high school, is transferred pursuant to a written agreement between the City of Industry and the Pomona Unified School District, and a copy of this agreement is filed with the County Clerk of the County of Los Angeles.

65584.6. (a) The County of Napa may, during its current housing element planning period, identified in Section 65588, meet up to 15 percent of its existing share of the regional housing need for lower income households, as defined in Section 65584, by committing funds for the purpose of constructing affordable housing units, and constructing those units in one or more cities within the county, only after all of the following conditions are met:

(1) An agreement has been executed between the county and the receiving city or cities, following a public hearing held by the county and the receiving city or cities to solicit public comments on the draft agreement. The agreement shall contain information sufficient to demonstrate that the county and city or cities have complied with the requirements of this section and shall also include the following:

(A) A plan and schedule for timely construction of dwelling units.

(B) Site identification by street address for the units to be developed.

(C) A statement either that the sites upon which the units will be developed were identified in the receiving city's housing element as potential sites for the development of housing for lower-income households, or that the units will be developed on previously unidentified sites.

(D) The number and percentage of the county's lower-income housing needs previously transferred, for the appropriate planning period, pursuant to this section.

(2) The council of governments that assigned the county's share receives and approves each proposed agreement to meet a portion of the county's fair share housing allocation within one or more of the

cities within the county after taking into consideration the criteria of subdivision (a) of Section 65504. If the council of governments fails to take action to approve or disapprove an agreement between the county and the receiving city or cities within 45 days following the receipt of the agreement, the agreement shall be deemed approved.

(3) The city or cities in which the units are developed agree not to count the units towards their share of the region's affordable housing need.

(4) The county and the receiving city or cities, based on substantial evidence on the record, make the following findings:

(A) Adequate sites with appropriate zoning exist in the receiving city or cities to accommodate the units to be developed pursuant to this section. The agreement shall demonstrate that the city or cities have identified sufficient vacant or underutilized or vacant and underutilized sites in their housing elements to meet their existing share of regional housing need, as allocated by the council of governments pursuant to subdivision (a) of Section 65504, in addition to the sites needed to construct the units pursuant to this section.

(B) If needed, additional subsidy or financing for the construction of the units is available.

(C) The receiving city or cities have housing elements that have been found by the Department of Housing and Community Development to be in compliance with this article.

(5) If the sites upon which units are to be developed pursuant to this section were previously identified in the receiving city's housing element as potential sites for the development of housing sufficient to accommodate the receiving city's share of the lower income household need identified in its housing element, then the receiving city shall have amended its housing element to identify replacement sites by street address for housing for lower-income households. Additionally, the Department of Housing and Community Development shall have received and reviewed the amendment and found that the city's housing element continues to comply with this article.

(6) The county and receiving city or cities shall have completed, and provided to the department, the annual report required by subdivision (b) of Section 65400.

(7) For a period of five years after a transfer occurs, the report required by subdivision (b) of Section 65400 shall include information on the status of transferred units, implementation of the terms and conditions of the transfer agreement, and information on any dwelling units actually constructed, including the number, type, location, and affordability requirements.

(8) The receiving city demonstrates that it has met, in the current or previous housing element cycle, at least 20 percent of its share of the regional need for housing for very low-income households allocated to the city pursuant to Section 65504.

(b) The credit that the county receives pursuant to this section shall not exceed 40 percent of the number of units that are affordable to lower income households and constructed and occupied during the same housing element cycle in unincorporated areas of the county. The county shall only receive the credit after the units have been constructed and occupied. Within 60 days of issuance of a certificate of occupancy for the units, the county shall inform the council of governments and the department in writing that a certificate of occupancy has been issued.

(c) Concurrent with the review by the council of governments prescribed by this section, the Department of Housing and Community Development shall evaluate the agreement to determine whether the city or cities are in substantial compliance with this section. The

department shall report the results of its evaluation to the county and city or cities for inclusion in their record of compliance with this section.

(d) If at the end of the five-year period identified in subdivision (c) of Section 65583, any percentage of the regional share allocation has not been constructed as provided pursuant to subdivision (a), or, after consultation with the department, the council of governments determines that the requirements of paragraphs (5) and (7) of subdivision (a) have not been substantially complied with, the council of governments shall add the unbuilt units to Napa County's regional share allocation for the planning period of the next periodic update of the housing element.

(e) Napa County shall not meet a percentage of its share of the regional share pursuant to subdivision (a) on or after June 30, 2007, unless a later enacted statute, that is enacted before June 30, 2007, deletes or extends that date.

65585. (a) In the preparation of its housing element, each city and county shall consider the guidelines adopted by the department pursuant to Section 50459 of the Health and Safety Code. Those guidelines shall be advisory to each city or county in the preparation of its housing element.

(b) At least 90 days prior to adoption of its housing element, or at least 60 days prior to the adoption of an amendment to this element, the planning agency shall submit a draft element or draft amendment to the department. The department shall review the draft and report its written findings to the planning agency within 90 days of its receipt of the draft in the case of an adoption or within 60 days of its receipt in the case of a draft amendment.

(c) In the preparation of its findings, the department may consult with any public agency, group, or person. The department shall receive and consider any written comments from any public agency, group, or person regarding the draft or adopted element or amendment under review.

(d) In its written findings, the department shall determine whether the draft element or draft amendment substantially complies with the requirements of this article.

(e) Prior to the adoption of its draft element or draft amendment, the legislative body shall consider the findings made by the department. If the department's findings are not available within the time limits set by this section, the legislative body may act without them.

(f) If the department finds that the draft element or draft amendment does not substantially comply with the requirements of this article, the legislative body shall take one of the following actions:

(1) Change the draft element or draft amendment to substantially comply with the requirements of this article.

(2) Adopt the draft element or draft amendment without changes. The legislative body shall include in its resolution of adoption written findings which explain the reasons the legislative body believes that the draft element or draft amendment substantially complies with the requirements of this article despite the findings of the department.

(g) Promptly following the adoption of its element or amendment, the planning agency shall submit a copy to the department.

(h) The department shall, within 90 days, review adopted housing elements or amendments and report its findings to the planning

agency.

65587. (a) Each city, county, or city and county shall bring its housing element, as required by subdivision (c) of Section 65302, into conformity with the requirements of this article on or before October 1, 1981, and the deadlines set by Section 65588. Except as specifically provided in subdivision (b) of Section 65361, the Director of Planning and Research shall not grant an extension of time from these requirements.

(b) Any action brought by any interested party to review the conformity with the provisions of this article of any housing element or portion thereof or revision thereto shall be brought pursuant to Section 1085 of the Code of Civil Procedure; the court's review of compliance with the provisions of this article shall extend to whether the housing element or portion thereof or revision thereto substantially complies with the requirements of this article.

(c) If a court finds that an action of a city, county, or city and county, which is required to be consistent with its general plan, does not comply with its housing element, the city, county, or city and county shall bring its action into compliance within 60 days. However, the court shall retain jurisdiction throughout the period for compliance to enforce its decision. Upon the court's determination that the 60-day period for compliance would place an undue hardship on the city, county, or city and county, the court may extend the time period for compliance by an additional 60 days.

(d) (1) If a court finds that a city, county, or city and county failed to complete the rezoning required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583, as that deadline may be modified by the extension provided for in subdivision (f) of that section, the court shall issue an order or judgment, after considering the equities of the circumstances presented by all parties, compelling the local government to complete the rezoning within 60 days or the earliest time consistent with public hearing notice requirements in existence at the time the action was filed. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment is not carried out, the court shall issue further orders to ensure that the purposes and policies of this article are fulfilled, including ordering, after considering the equities of the circumstances presented by all parties, that any rezoning required by subparagraph (A) of paragraph (1) of subdivision (c) of Section 65583 be completed within 60 days or the earliest time consistent with public hearing notice requirements in existence at the time the action was filed and may impose sanctions on the city, county, or city and county.

(2) Any interested person may bring an action to compel compliance with the deadlines and requirements of paragraphs (1), (2), and (3) of subdivision (c) of Section 65583. The action shall be brought pursuant to Section 1085 of the Code of Civil Procedure. In any such action, the city, county, or city and county shall bear the burden of proof.

65588. (a) Each local government shall review its housing element as frequently as appropriate to evaluate all of the following:

(1) The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal.

(2) The effectiveness of the housing element in attainment of the

community's housing goals and objectives.

(3) The progress of the city, county, or city and county in implementation of the housing element.

(b) The housing element shall be revised as appropriate, but no less often than required by subdivision (e), to reflect the results of this periodic review. Nothing in this section shall be construed to excuse the obligations of the local government to adopt a revised housing element in accordance with the schedule specified in this section.

(c) The review and revision of housing elements required by this section shall take into account any low- or moderate-income housing provided or required pursuant to Section 65590.

(d) The review pursuant to subdivision (c) shall include, but need not be limited to, the following:

(1) The number of new housing units approved for construction within the coastal zone after January 1, 1982.

(2) The number of housing units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, required to be provided in new housing developments either within the coastal zone or within three miles of the coastal zone pursuant to Section 65590.

(3) The number of existing residential dwelling units occupied by persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, that have been authorized to be demolished or converted since January 1, 1982, in the coastal zone.

(4) The number of residential dwelling units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, that have been required for replacement or authorized to be converted or demolished as identified in paragraph (3). The location of the replacement units, either onsite, elsewhere within the locality's jurisdiction within the coastal zone, or within three miles of the coastal zone within the locality's jurisdiction, shall be designated in the review.

(e) Each city, county, and city and county shall revise its housing element according to the following schedule:

(1) (A) Local governments within the regional jurisdiction of the Southern California Association of Governments: June 30, 2006, for the fourth revision.

(B) Local governments within the regional jurisdiction of the Association of Bay Area Governments: June 30, 2007, for the fourth revision.

(C) Local governments within the regional jurisdiction of the Council of Fresno County Governments, the Kern County Council of Governments, and the Sacramento Area Council of Governments: June 30, 2002, for the third revision, and June 30, 2008, for the fourth revision.

(D) Local governments within the regional jurisdiction of the Association of Monterey Bay Area Governments: December 31, 2002, for the third revision, and June 30, 2009, for the fourth revision.

(E) Local governments within the regional jurisdiction of the San Diego Association of Governments: June 30, 2005, for the fourth revision.

(F) All other local governments: December 31, 2003, for the third revision, and June 30, 2009, for the fourth revision.

(2) (A) All local governments within a metropolitan planning organization in a region classified as nonattainment for one or more pollutants regulated by the federal Clean Air Act (42 U.S.C. Sec. 7506), except those within the regional jurisdiction of the San Diego Association of Governments, shall adopt the fifth revision of the housing element no later than 18 months after adoption of the first

regional transportation plan to be adopted after September 30, 2010.

(B) (i) All local governments within the regional jurisdiction of the San Diego Association of Governments shall adopt the fifth revision of the housing element no later than 18 months after adoption of the first regional transportation plan update to be adopted after September 30, 2010.

(ii) Prior to or concurrent with the adoption of the fifth revision of the housing element, each local government within the regional jurisdiction of the San Diego Association of Governments shall identify adequate sites in its inventory pursuant to Section 65583.2 or rezone adequate sites to accommodate a prorated portion of its share of the regional housing need for the projection period representing the period from July 1, 2010, to the deadline for housing element adoption described in clause (i).

(I) For the fifth revision, a local government within the jurisdiction of the San Diego Association of Governments that has not adopted a housing element for the fourth revision by January 1, 2009, shall revise its housing element not less than every four years, beginning on the date described in clause (i), in accordance with paragraph (4), unless the local government does both of the following:

(ia) Adopts a housing element for the fourth revision no later than March 31, 2010, which is in substantial compliance with this article.

(ib) Completes any rezoning contained in the housing element program for the fourth revision by June 30, 2010.

(II) For the sixth and subsequent revisions, a local government within the jurisdiction of the San Diego Association of Governments shall be subject to the dates described in clause (i), in accordance with paragraph (4).

(C) All local governments within the regional jurisdiction of a metropolitan planning organization or a regional transportation planning agency that has made an election pursuant to subparagraph (L) of paragraph (2) of subdivision (b) of Section 65080 by June 1, 2009, shall adopt the fifth revision of the housing element no later than 18 months after adoption of the first regional transportation plan update following the election.

(D) All other local governments shall adopt the fifth revision of the housing element five years after the date specified in paragraph (1).

(3) Subsequent revisions of the housing element shall be due as follows:

(A) For local governments described in subparagraphs (A), (B), and (C) of paragraph (2), 18 months after adoption of every second regional transportation plan update, provided that the deadline for adoption is no more than eight years later than the deadline for adoption of the previous eight-year housing element.

(B) For all other local governments, at five-year intervals after the date specified in subparagraph (D) of paragraph (2).

(C) If a metropolitan planning organization or a regional transportation planning agency subject to the five-year revision interval in subparagraph (B) makes an election pursuant to subparagraph (M) of paragraph (2) of subdivision (b) of Section 65080 after June 1, 2009, all local governments within the regional jurisdiction of that entity shall adopt the next housing element revision no later than 18 months after adoption of the first regional transportation plan update following the election. Subsequent revisions shall be due 18 months after adoption of every second regional transportation plan update, provided that the deadline for adoption is no more than eight years later than the deadline for

adoption of the previous eight-year housing element.

(4) (A) A local government that does not adopt a housing element within 120 days of the applicable deadline described in subparagraph (A), (B), or (C) of paragraph (2) or subparagraph (A) or (C) of paragraph (3) shall revise its housing element not less than every four years until the local government has adopted at least two consecutive revisions by the statutory deadline.

(B) If necessary, the local government shall adopt three consecutive four-year revisions by the statutory deadline to ensure that when the local government adopts its next housing element covering an eight-year planning period, it does so at the deadline for adoption for other local governments within the region also covering an eight-year planning period.

(C) The deadline for adoption of every second four-year revision shall be the same as the deadline for adoption for other local governments within the region.

(5) The metropolitan planning organization or a regional transportation planning agency for a region that has an eight-year revision interval pursuant to paragraph (3) shall notify the department and the Department of Transportation in writing of the estimated adoption date for its next regional transportation plan update at least 12 months prior to the estimated adoption date. The Department of Transportation shall maintain and publish on its Internet Web site a current schedule of the estimated regional transportation plan adoption dates. The department shall maintain and publish on its Internet Web site a current schedule of the estimated and actual housing element due dates. Each council of governments shall publish on its Internet Web site the estimated and actual housing element due dates, as published by the department, for the jurisdictions within its region and shall send notice of these dates to interested parties. For purposes of determining the existing and projected need for housing within a region pursuant to Sections 65584 to 65584.08, inclusive, the date of the next scheduled revision of the housing element shall be deemed to be the estimated adoption date of the regional transportation plan update described in the notice provided to the Department of Transportation plus 18 months.

(6) The new projection period shall begin on the date of December 31 or June 30 that most closely precedes the end of the previous projection period.

(f) For purposes of this article, the following terms have the following meanings:

(1) "Planning period" shall be the time period between the due date for one housing element and the due date for the next housing element.

(2) "Projection period" shall be the time period for which the regional housing need is calculated.

(g) For purposes of this section, "regional transportation plan update" shall mean a regional transportation plan adopted to satisfy the requirements of subdivision (d) of Section 65080.

65589. (a) Nothing in this article shall require a city, county, or city and county to do any of the following:

(1) Expend local revenues for the construction of housing, housing subsidies, or land acquisition.

(2) Disapprove any residential development which is consistent with the general plan.

(b) Nothing in this article shall be construed to be a grant of authority or a repeal of any authority which may exist of a local

government to impose rent controls or restrictions on the sale of real property.

(c) Nothing in this article shall be construed to be a grant of authority or a repeal of any authority which may exist of a local government with respect to measures that may be undertaken or required by a local government to be undertaken to implement the housing element of the local general plan.

(d) The provisions of this article shall be construed consistent with, and in promotion of, the statewide goal of a sufficient supply of decent housing to meet the needs of all Californians.

65589.3. In any action filed on or after January 1, 1991, taken to challenge the validity of a housing element, there shall be a rebuttable presumption of the validity of the element or amendment if, pursuant to Section 65585, the department has found that the element or amendment substantially complies with the requirements of this article.

65589.4. (a) An attached housing development shall be a permitted use not subject to a conditional use permit on any parcel zoned for an attached housing development if local law so provides or if it satisfies the requirements of subdivision (b) and either of the following:

(1) The attached housing development satisfies the criteria of Section 21159.22, 21159.23, or 21159.24 of the Public Resources Code.

(2) The attached housing development meets all of the following criteria:

(A) The attached housing development is subject to a discretionary decision other than a conditional use permit and a negative declaration or mitigated negative declaration has been adopted for the attached housing development under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). If no public hearing is held with respect to the discretionary decision, then the negative declaration or mitigated negative declaration for the attached housing development may be adopted only after a public hearing to receive comments on the negative declaration or mitigated negative declaration.

(B) The attached housing development is consistent with both the jurisdiction's zoning ordinance and general plan as it existed on the date the application was deemed complete, except that an attached housing development shall not be deemed to be inconsistent with the zoning designation for the site if that zoning designation is inconsistent with the general plan only because the attached housing development site has not been rezoned to conform with the most recent adopted general plan.

(C) The attached housing development is located in an area that is covered by one of the following documents that has been adopted by the jurisdiction within five years of the date the application for the attached housing development was deemed complete:

(i) A general plan.

(ii) A revision or update to the general plan that includes at least the land use and circulation elements.

(iii) An applicable community plan.

(iv) An applicable specific plan.

(D) The attached housing development consists of not more than 100 residential units with a minimum density of not less than 12 units

per acre or a minimum density of not less than eight units per acre if the attached housing development consists of four or fewer units.

(E) The attached housing development is located in an urbanized area as defined in Section 21071 of the Public Resources Code or within a census-defined place with a population density of at least 5,000 persons per square mile or, if the attached housing development consists of 50 or fewer units, within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.

(F) The attached housing development is located on an infill site as defined in Section 21061.0.5 of the Public Resources Code.

(b) At least 10 percent of the units of the attached housing development shall be available at affordable housing cost to very low income households, as defined in Section 50105 of the Health and Safety Code, or at least 20 percent of the units of the attached housing development shall be available at affordable housing cost to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or at least 50 percent of the units of the attached housing development available at affordable housing cost to moderate-income households, consistent with Section 50052.5 of the Health and Safety Code. The developer of the attached housing development shall provide sufficient legal commitments to the local agency to ensure the continued availability and use of the housing units for very low, low-, or moderate-income households for a period of at least 30 years.

(c) Nothing in this section shall prohibit a local agency from applying design and site review standards in existence on the date the application was deemed complete.

(d) The provisions of this section are independent of any obligation of a jurisdiction pursuant to subdivision (c) of Section 65583 to identify multifamily sites developable by right.

(e) This section does not apply to the issuance of coastal development permits pursuant to the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code).

(f) This section does not relieve a public agency from complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) or relieve an applicant or public agency from complying with the Subdivision Map Act (Division 2 (commencing with Section 66473)).

(g) This section is applicable to all cities and counties, including charter cities, because the Legislature finds that the lack of affordable housing is of vital statewide importance, and thus a matter of statewide concern.

(h) For purposes of this section, "attached housing development" means a newly constructed or substantially rehabilitated structure containing two or more dwelling units and consisting only of residential units, but does not include a second unit, as defined by paragraph (4) of subdivision (h) of Section 65052.2, or the conversion of an existing structure to condominiums.

65589.5. (a) The Legislature finds and declares all of the following:

(1) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.

(2) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that

limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

(3) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(4) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing projects, reduction in density of housing projects, and excessive standards for housing projects.

(b) It is the policy of the state that a local government not reject or make infeasible housing developments, including emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (d) of Section 50199.50 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon substantial evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the project. The share of the regional housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development

unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

(3) The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article.

(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development standards and with services and facilities to accommodate the local agency's share of the regional housing need for the very low and low-income categories.

(C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for

industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.

(c) Nothing in this section shall be construed to relieve the local agency from complying with the Congestion Management Program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code). Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(f) (1) Nothing in this section shall be construed to prohibit a local agency from requiring the development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.

(2) Nothing in this section shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

(3) This section does not prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the development project or emergency shelter.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Housing development project" means a use consisting of any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses in which nonresidential uses are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories. As used in this paragraph, "neighborhood commercial" means small-scale general or specialty stores that furnish goods and services primarily to residents of the neighborhood.

(C) Transitional housing or supportive housing.

(3) "Housing for very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to moderate-income households as

defined in Section 50093 of the Health and Safety Code, or middle-income households, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

(4) "Area median income" means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(5) "Disapprove the development project" includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved.

(B) Fails to comply with the time periods specified in subdivision (a) of Section 65950. An extension of time pursuant to Article 5 [commencing with Section 65950] shall be deemed to be an extension of time pursuant to this paragraph.

(i) If any city, county, or city and county denies approval or imposes restrictions, including design changes, a reduction of allowable densities or the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time the application is deemed complete pursuant to Section 65943, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of restrictions on the development is the subject of a court action which challenges the denial, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d) and that the findings are supported by substantial evidence in the record.

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other

than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(k) The applicant or any person who would be eligible to apply for residency in the development or emergency shelter may bring an action to enforce this section. If in any action brought to enforce the provisions of this section, a court finds that the local agency disapproved a project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low-, or moderate-income households, including farmworker housing, without making the findings required by this section or without making sufficient findings supported by substantial evidence, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the development project or emergency shelter. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner who proposed the housing development or emergency shelter, except under extraordinary circumstances in which the court finds that awarding fees would not further the purposes of this section. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency, in which case the application for the project, as constituted at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed approved unless the applicant consents to a different decision or action by the local agency.

(l) If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court's order or judgment within 60 days as described in subdivision (k), the court in addition to any other remedies provided by this section, may impose fines upon the local agency that the local agency shall be required to deposit into a housing trust fund. Fines shall not be paid from funds that are already dedicated for affordable housing, including, but not limited to, redevelopment or low- and moderate-income housing funds and federal HOME and CDBG funds. The local agency shall commit the money in the trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. For purposes of this section, "bad faith" shall mean an action that is frivolous or otherwise entirely without merit.

(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of preparation of the record shall be borne by the local agency. Upon entry of the trial court's order, a party shall, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow. If the local agency appeals the judgment of the trial

court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.

(n) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure or subdivision (n) of this section, all or part of the record may be prepared (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

(o) This section shall be known, and may be cited, as the Housing Accountability Act.

65589.6. In any action taken to challenge the validity of a decision by a city, county, or city and county to disapprove a project or approve a project upon the condition that it be developed at a lower density pursuant to Section 65589.5, the city, county, or city and county shall bear the burden of proof that its decision has conformed to all of the conditions specified in Section 65589.5.

65589.7. (a) The housing element adopted by the legislative body and any amendments made to that element shall be immediately delivered to all public agencies or private entities that provide water or sewer services for municipal and industrial uses, including residential, within the territory of the legislative body. Each public agency or private entity providing water or sewer services shall grant a priority for the provision of these services to proposed developments that include housing units affordable to lower income households.

(b) A public agency or private entity providing water or sewer services shall adopt written policies and procedures, not later than July 1, 2006, and at least once every five years thereafter, with specific objective standards for provision of services in conformance with this section. For private water and sewer companies regulated by the Public Utilities Commission, the commission shall adopt written policies and procedures for use by those companies in a manner consistent with this section. The policies and procedures shall take into account all of the following:

(1) Regulations and restrictions adopted pursuant to Chapter 3 [commencing with Section 350] of Division 1 of the Water Code, relating to water shortage emergencies.

(2) The availability of water supplies as determined by the public agency or private entity pursuant to an urban water management plan adopted pursuant to Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code.

(3) Plans, documents, and information relied upon by the public agency or private entity that is not an "urban water supplier," as defined in Section 10617 of the Water Code, or that provides sewer service, that provide a reasonable basis for making service determinations.

(c) A public agency or private entity that provides water or sewer

services shall not deny or condition the approval of an application for services to, or reduce the amount of services applied for by, a proposed development that includes housing units affordable to lower income households unless the public agency or private entity makes specific written findings that the denial, condition, or reduction is necessary due to the existence of one or more of the following:

(1) The public agency or private entity providing water service does not have "sufficient water supply," as defined in paragraph (2) of subdivision (a) of Section 66473.7, or is operating under a water shortage emergency as defined in Section 350 of the Water Code, or does not have sufficient water treatment or distribution capacity, to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report.

(2) The public agency or private entity providing water service is subject to a compliance order issued by the State Department of Health Services that prohibits new water connections.

(3) The public agency or private entity providing sewer service does not have sufficient treatment or collection capacity, as demonstrated by a written engineering analysis and report on the condition of the treatment or collection works, to serve the needs of the proposed development.

(4) The public agency or private entity providing sewer service is under an order issued by a regional water quality control board that prohibits new sewer connections.

(5) The applicant has failed to agree to reasonable terms and conditions relating to the provision of service generally applicable to development projects seeking service from the public agency or private entity, including, but not limited to, the requirements of local, state, or federal laws and regulations or payment of a fee or charge imposed pursuant to Section 66013.

(d) The following definitions apply for purposes of this section:

(1) "Proposed developments that include housing units affordable to lower income households" means that dwelling units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, at an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, or an affordable rent, as defined in Section 50053 of the Health and Safety Code.

(2) "Water or sewer services" means supplying service through a pipe or other constructed conveyance for a residential purpose, and does not include the sale of water for human consumption by a water supplier to another water supplier for resale. As used in this section, "water service" provided by a public agency or private entity applies only to water supplied from public water systems subject to Chapter 4 (commencing with Section 116275) of Part 12 of Division 104 of the Health and Safety Code.

(e) This section is intended to neither enlarge nor diminish the existing authority of a city, county, or city and county in adopting a housing element. Failure to deliver a housing element adopted by the legislative body or amendments made to that element, to a public agency or private entity providing water or sewer services shall neither invalidate any action or approval of a development project nor exempt a public agency or private entity from the obligations under this section. The special districts which provide water or sewer services related to development, as defined in subdivision (e) of Section 56426, are included within this section.

(f) The Legislature finds and declares that this section shall be applicable to all cities and counties, including charter cities, because the Legislature finds that the lack of affordable housing is a matter of vital statewide importance.

65589.8. A local government which adopts a requirement in its housing element that a housing development contain a fixed percentage of affordable housing units, shall permit a developer to satisfy all or a portion of that requirement by constructing rental housing at affordable monthly rents, as determined by the local government.

Nothing in this section shall be construed to expand or contract the authority of a local government to adopt an ordinance, charter amendment, or policy requiring that any housing development contain a fixed percentage of affordable housing units.

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