

RESOLUTION NO. 2025-07-PCR-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND TITLE 10 CHAPTER 2 ZONING AND LAND USE, AND TITLE 10 CHAPTER 5 COASTAL LAND USE PLAN IMPLEMENTING ORDINANCE OF THE REDONDO BEACH MUNICIPAL CODE PERTAINING TO THE REGULATION OF SMOKE SHOPS

WHEREAS, according to the federal Centers for Disease Control and Prevention, nicotine is highly addictive and can harm brain development, which continues until about 25 years of age and poses a unique risk to youth; and

WHEREAS, according to the 2023 National Youth Tobacco Survey conducted by the federal Centers for Disease Control and Prevention and the United States Food and Drug Administration, approximately 2,800,000 high school students and middle school students reported using a tobacco product in the past year, and nearly 90 percent of youth electronic cigarette users used flavored products; and

WHEREAS, sales data has shown a surge in illegal, unregulated flavored tobacco products, such as flavored disposable electronic cigarettes, being imported into the United States from foreign countries in recent years, and in December 2023, the United States Food and Drug Administration and the United States Customs and Border Protection announced the seizure of approximately 1,400,000 units of unauthorized electronic cigarette products worth over \$18,000,000 at Los Angeles International Airport; and

WHEREAS, the state has passed recent legislation strengthening tobacco oversight programs and expanding the seizure of illegal tobacco products which it has deemed essential to achieving the state's public health goal of lowering youth tobacco use; and

WHEREAS, the Redondo Beach Police Department has received complaints about the selling of illegal flavored tobacco and cannabis products throughout the City, which were confirmed through two recent inspections, conducted on March 6, 2025 of a smoke shop located in the 2400 block of 190th Street and on March 19, 2025 of a smoke shop on in the 2200 block of Artesia Boulevard; and

WHEREAS, on January 21, 2025, the City Council held a meeting to discuss potential updates to the City Municipal Code that would enhance the regulation of smoke shops and tobacco retailers, and directed staff to return with a draft ordinance; and,

WHEREAS, on April 15, 2025, staff presented a draft Ordinance to the City Council that includes a new requirement for a conditional use permit, limits the number and location of smoke shops, and includes operating standards and enforcement provisions and;

WHEREAS, a 45-Day Urgency Ordinance was adopted on May 6, 2025 and extended for an additional year on June 10, 2025 to be in effect while the City develops a permanent Ordinance;

WHEREAS, on July 17, 2025 the Planning Commission reviewed the draft Smoke Shop Ordinance and made recommendations to the City Council;

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

SECTION 1. FINDINGS

1. In compliance with the California Environmental Quality Act of 1970, as amended (CEQA), and State and local guidelines adopted pursuant thereto, the zoning amendment is Categorically Exempt from further environmental review, pursuant to Section 15061(b)(3) of the Guidelines of the California Environmental Quality Act (CEQA) that refers to activities where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (common-sense exemption), then the activity is not subject to CEQA.
2. The amendments to the Zoning ordinance are consistent with the General Plan.
 - a. Land Use Element Goal 1E: Ensure that the types of land uses developed in the City complement and do not adversely affect the quality of life and health of the City's residents, businesses, and visitors.
 - b. Land Use Element Goal 1H: Continue to enhance existing commercial districts which contribute revenue to the City and are compatible with adjacent residential neighborhoods.
 - c. Land Use Element Goal 1O: Ensure the compatibility among the various types and densities of land uses to be accommodated in the City.
 - d. Land Use Element Goal 1J: Provide for the continued use of the City's coastal-related recreational facilities as resources for the residents of Redondo Beach and surrounding communities; ensuring that these uses and activities are compatible with adjacent residential neighborhoods and commercial districts and maintain a high level of quality and safety.
 - e. Land Use Element Goal 1K: Provide for public uses which support the needs and functions of the residents and businesses of the City.
3. These amendments do not require a vote of the people under Article XXVII of the City Charter.

SECTION 2. RECITALS. The above recitals are true and correct, and the recitals are incorporated herein by reference as if set forth in full.

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

SECTION 1. The Planning Commission recommends that the City Council adopt the amendments to the Redondo Beach Municipal Code pertaining to the Smoke Shop Ordinance, with modifications; and with a recommendation that the City evaluate ways to impose fines as an additional penalty for noncompliant businesses and pursue State and Federal grant funding to assist with enforcement. The Planning Commission also recommended imposing a requirement for smoke shops to post a bond ensuring that any future enforcement efforts would be funded.

SECTION 2. AMENDMENT OF CODE. Title 10, Chapter 2 (Zoning and Land Use) and Chapter 5 (Coastal Land Use Plan) amending Section 10-2.402(a) as follows:

(168) "Smoke shop and tobacco store" shall mean any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a "smoke shop and tobacco store" and shall not be subject to the restrictions in this chapter (See Section 10-2.1642 for additional definitions).

SECTION 3. AMENDMENT OF CODE. Title 10, Chapter 2 (Zoning and Land Use) and Chapter 5 (Coastal Land Use Plan) adding Section 10-2.1642, Article 4 (Special Use Regulations) to the Redondo Beach Municipal Code as follows:

Smoke Shops and Tobacco Sales.

(a) Purpose. The regulation of smoke shops and tobacco stores is necessary and in the interests of the public health, safety and general welfare as the expansion of smoke shops and tobacco stores in the city could result in undesirable impacts to the community. Among these impacts are increased potential for tobacco sales to minors along with greater opportunity for the sale of cannabis, illegal drugs and associated paraphernalia. These regulations address such negative impacts of smoke shops and tobacco stores while providing a reasonable number of locations and zones for such shops to locate within the city.

(b) Definitions. For the purpose of this section, unless the context clearly indicates otherwise, the words, terms, and phrases shall have the following meanings:

"Ancillary sale" shall mean where a grocery store, supermarket, convenience store or similar market uses no more than two percent of its gross floor area, or 200 square feet, whichever is less, for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or tobacco. For any grocery store, convenience store, retail kiosk or similar use consisting of 250 square feet or less, "ancillary sale" shall mean where no more than five square feet are used for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or tobacco. The Community Development Director may approve minor exceptions to the display area requirements, if a determination is made that the sale of tobacco products is clearly an ancillary use within the grocery store, supermarket or convenience store.

"E-cigarette" shall mean any electronically actuated device or inhaler meant to simulate cigarette smoking that uses a heating element to vaporize a liquid solution, popularly referred to as "juice," and that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation. The juice used in e-cigarettes typically contains nicotine, or other substances, and for this reason e-cigarettes and their juice can be classified as both tobacco products and tobacco paraphernalia.

"Smoke shop and tobacco store" shall mean any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia, excluding smokers' lounges as defined in California Labor Code

§ 6404.5; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes, e-cigarettes, or tobacco as an ancillary sale shall not be defined as a “smoke shop and tobacco store” and shall not be subject to the restrictions in this chapter.

“Tobacco” shall mean any preparation of the nicotine-rich leaves of the tobacco plant, which are cured by a process of drying and fermentation for use in smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body.

“Tobacco paraphernalia” shall mean any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products, or other controlled substances as defined in California Health and Safety Code Section 11054 et seq. Items or devices classified as tobacco paraphernalia include but are not limited to the following: pipes, punctured metal bowls, bongs, water bongs, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. Lighters and matches shall be excluded from the definition of tobacco paraphernalia.

“Tobacco product” shall mean any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant, or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. For the purposes of this chapter, the term “tobacco product” excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

(c) Zoning and land use standards for smoke shops and tobacco stores (*hereinafter referred to as “smoke shops”*).

1. Notwithstanding any other provision of this title to the contrary, smoke shops shall be a conditionally permitted use only in the following zones, subject to the regulations contained in this chapter:

- a. Smoke shops are only permitted in commercial zones, specifically limited to C-2, C-2A, C-2B, C-2PD, C-3, C-3A, C-3B, C-3PD, C-4, C-4A, C-4B, C-4PD, C-5A.

- b. Smoke shops are prohibited in any industrial, public-institutional zone or mixed-use zone, or zone where residential uses are permitted, or within any coastal commercial zones.

2. All smoke shops wishing to operate within the above zones after the effective date of the ordinance codified in this chapter must obtain a conditional use permit in accordance with Section 10-2.2506 of the Municipal Code. Conditional Use Permits shall be processed as first come first served, on the basis of the date the application is deemed complete. The Conditional Use Permit for a smoke shop is valid for a maximum of three (3) years from the date of approval of the permit, at which time the permit shall expire and be of no further force and effect unless renewed.

3. The permitted concentration and location of new smoke shops be as follows:

- a. No smoke shop shall be established or located within 600 feet from public or private elementary schools, day cares, and youth centers, as defined in 10-2.1626, measured from the nearest property lines of each of the affected parcels.
- b. Smoke shops shall not be located within 1000 feet, measured property line to property line, from another smoke shop.
- c. No retailer shall be established or located within 150 feet of ~~Date-Page~~ Park any park or residential use, measured from the nearest property lines of each of the affected parcels.

4. A maximum of five (5) smoke shops are permitted city-wide, with the exception of legal nonconforming smoke shops established prior to the effective date of this Ordinance for which the following applies:

- a. Legal nonconforming smoke shops may continue to operate, at their existing location, in accordance with Section 10-2.2002 and must obtain a Conditional Use Permit within a period of five (5) years from the effective date of this ordinance.
- b. A maximum of ten (10) Conditional Use Permits may be issued on a first come first serve basis to existing legal nonconforming smoke shops and shall be counted against the maximum allowance of five (5) city-wide provided they comply with the requirements of this article.
- c. As legal nonconforming smoke shops abandon their use, either through change of use or expiration of operating permits, no new Conditional Use Permits shall be issued unless the City is at or below the maximum of allowance of five (5) smoke shops city-wide. Business permits may be transferred or issued to another owner, at the same location whether wholly or as a co-owner, for the period remaining on the then existing business permit. For example, if the current owner has three months left on his business license and transfers it to a new owner, the new owner shall only have three months left on the business license. Business licenses must be renewed each year. Notwithstanding the above, in no event shall a business license issued for a legal nonconforming business location be valid for longer than five (5) years from the effective date of this ordinance. If a business license's annual term extends beyond the five (5) year period, the business license term shall be coterminous with the five (5) year period and terminate accordingly.

(d) Additional zoning and land use standards applying to all existing and new smoke shops shall include the following:

1. Smoke shops must obtain a Conditional Use Permit pursuant to Section 10-2.2506 and are subject to Planning Commission Design Review pursuant to Section 10-2.2502.
2. A smoke shop must obtain and maintain at all times a valid Tobacco Retailer license as required pursuant to Redondo Beach Municipal Code Title 5, Chapter 9, Article 2.

3. It is unlawful for a smoke shop to knowingly allow or permit minor, not accompanied by his or her parent or legal guardian, to enter or remain within any smoke shop.
4. Smoke shops shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to the smoke shop and tobacco store. It shall be unlawful for a smoke shop to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.
5. The Smoke Shop must remain in compliance with all local, State, and federal laws, regulations, and orders, as well as all conditions of approval imposed on the use. This includes compliance with annual City business license fees. In the event of non-compliance, the smoke shop operator shall be given written notice by the City and opportunity to cure the violation. Failure to cure the violation can result in the revocation of the business license, tobacco retailer license and conditional use permit if applicable.
6. No smoke shop shall sell or distribute cannabis or cannabinoid products, drug paraphernalia not directly related to legal smoke and vapor products, nitrous oxide, flavored tobacco products, or other products prohibited by law.

(e) The Conditional Use Permit shall be processed in accordance with Section 10-2.2506 and shall include the following standard conditions:

1. No smoking shall be permitted on the premises at any time.
2. No sales may be solicited or conducted on the premises by minors.
3. No self-service tobacco, tobacco product, or tobacco paraphernalia displays shall be permitted.
4. No distribution of free or low-cost tobacco, tobacco products or tobacco paraphernalia, as well as coupons for said items, shall be permitted.
5. No advertising or signage indicating the availability of tobacco products shall be visible from the exterior nor from entry of the retail establishment to the maximum extent possible.
6. Smoke shops may be open for access to the public between the hours of ~~8:00~~10:00 a.m. and 9:00 p.m., Monday through Sunday, unless modified by the Planning Commission.

(g) Enforcement of smoke shops.

1. Inspections. All smoke shops shall be subject to routine unannounced inspections by City Officials to ensure compliance with this section and any additional conditions of the Conditional Use Permit.
2. Criminal Penalties. Violations of provisions of this section may be deemed a misdemeanor and shall be enforced pursuant to Title 1, Chapter 2 of Redondo Beach Municipal Code.
3. Separate offense for each day. Any person who violates any provision of this section shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.
4. Use or activity prohibited by State law. Nothing in this section shall be deemed to permit or authorize any use or activity which is otherwise prohibited by State law.

5. Revocation. If verified that a Smoke Shop Operator is in violation with either the provisions of this section, or the specific conditions of the Conditional Use Permit, that finding may be used as a basis for amending or revoking the Conditional Use Permit, pursuant to Section 10-2.2506(f) of the Redondo Beach Municipal Code and/or Business License pursuant to Section 6-1.26 and 6-1.27.

SECTION 4. 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 5. 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 shall declare 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.

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 17TH day of July, 2025.

Chair
Planning Commission
City of Redondo Beach

ATTEST:

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

I, Sean Scully, Planning Manager of the City of Redondo Beach, California, do hereby certify that the foregoing Resolution No. 2025-1-PCR-06 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 17th Day of July, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Marc Wiener
Community Development Director