



Administrative Report

L.1., File # 25-0790

Meeting Date: 6/10/2025

To: MAYOR AND CITY COUNCIL

From: MARC WIENER, COMMUNITY DEVELOPMENT DIRECTOR

TITLE

PUBLIC HEARING TO CONSIDER AN EXTENSION OF THE URGENCY INTERIM ORDINANCE THAT IMPOSED A MORATORIUM ON THE DEVELOPMENT OF SMOKE SHOPS IN THE CITY OF REDONDO BEACH

ADOPT BY TITLE ONLY A 10 MONTH AND 15 DAY EXTENSION OF URGENCY INTERIM ORDINANCE NO. 3294-25 OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, IMPOSING A MORATORIUM ON DEVELOPMENT OF SMOKE SHOPS IN THE CITY AND DECLARING THE URGENCY THEREOF AND FINDING THE EXTENSION IS CATEGORICALLY EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

PROCEDURES:

- A. Open the Public Hearing;
- B. Take Testimony;
- C. Close the Public Hearing; and,
- D. Approve the proposed Extension of Urgency Interim Ordinance No. 3294-25

EXECUTIVE SUMMARY

The Redondo Beach Police Department has received complaints regarding illegal flavored tobacco and cannabis products being sold throughout the City. These complaints 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. According to the federal Centers for Disease Control and Prevention, nicotine is highly addictive, can harm brain development which continues until about 25 years of age, and poses a unique risk to youth. The state recently passed 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.

At its April 15, 2025 meeting, the City Council reviewed a Draft Ordinance intended to more effectively regulate smoke shops and tobacco stores, which are defined as, "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."

The City Council provided input and voted 5-0 to direct the City Attorney to prepare an Urgency Interim Ordinance imposing a temporary moratorium on the establishment of Smoke Shops for Council Consideration at its May 6, 2025 meeting.

On May 6, 2025, the City Council unanimously adopted Urgency Interim Ordinance No. 3294-25 imposing a 45-day moratorium on the approval of any Business License, Planning Commission Design Review or approval of a development for a smoke shop on any property located within the City of Redondo Beach.

On June 9, 2025, the City completed and issued a Moratorium Status Report describing the measures taken to alleviate the condition that led to the adoption of the Urgency Interim Ordinance No. 3294-25. Specifically, the Community Development Department has prepared a draft permanent Smoke Shop Ordinance which is scheduled to be reviewed by the Planning Commission on July 17, 2025 prior to returning to City Council for consideration of adoption.

The proposed extension of Urgency Interim Ordinance No. 3294-25 would continue the moratorium for an additional 10 months and 15 days.

BACKGROUND

Planning and zoning moratoria are authorized by, and subject to, the requirements of Government Code §65858. Government Code §65858 provides that a city or county may adopt an “interim zoning ordinance,” i.e., a temporary moratorium ordinance, as an urgency measure by a 4/5 vote of the legislative body, without complying with the noticing requirements or other formalities (e.g., prior review by the Planning Commission) normally required for zoning ordinances. The moratorium may temporarily prohibit approvals of any new or altered development or land uses that might conflict with contemplated general plan, specific plan, or zoning amendments that the municipality is considering or intends to study within a reasonable time. The measure must be supported by findings that the temporary moratorium is necessary to protect the public from a “current and immediate threat to public health, safety or and welfare,” and that “approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use” would result in the threatened harm. The attached Extension to the Urgency Ordinance includes the necessary public health, safety, and welfare findings supporting the decision to place a temporary moratorium on new smoke shops.

The initial moratorium period may not exceed 45 days. However, the moratorium may be extended for an additional 10 months and 15 days by another 4/5ths vote of the legislative body, upon a noticed public hearing, and may be extended for another full year after that (for a total moratorium period of 2 years) upon a further noticed public hearing and 4/5ths vote of the legislative body. The same findings required for initial adoption of the moratorium ordinance are required for each extension.

The legislative body must produce a report ten days prior to expiration of the initial interim ordinance, and also within 10 days of expiration of each extension, describing what steps have been taken to “alleviate the condition which led to the adoption of the ordinance.” In other words, the City Council must prepare a progress report upon the new general plan, specific plan, zoning or other measures that are being proposed to address the planning issues involved. While progress has been made on the permanent ordinance, it will take longer than 45 days to fully prepare and adopt.

Once a moratorium ordinance has been adopted, the moratorium may not be extended beyond the two-year limit, and no further moratorium may be adopted for any property affected by the moratorium unless the second moratorium is based on different circumstances, events, or occurrences involving different types of threats to the public health, safety, or welfare than those used to justify the first moratorium. In practice, this would mean that any City moratorium ordinance adopted under Government Code §65858 concerning smoke shops could not be extended or re-enacted after that time.

COORDINATION

This report and the proposed extension of the Urgency Interim Ordinance were prepared in coordination with the City Attorney's Office.

FISCAL IMPACT

The cost of preparing this report is included in the Community Development Department's portion of the adopted annual budget and is part of the Department's annual work program.

APPROVED BY:

Mike Witzansky, City Manager

ATTACHMENTS

- Ord - Extension of Urgency Interim Ordinance No. 3294-25
- Report - Moratorium Status Report on Actions Taken to Alleviate Conditions Leading to Imposition of Moratorium, May 29, 2025
- California Environmental Quality Act (CEQA) Exemption Declaration, May 29, 2025
- Ord - Urgency Ordinance No. 3294-25, May 6, 2025