



# Administrative Report

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J.1., File # PC25-1025

Meeting Date: 7/17/2025

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**TO:** PLANNING COMMISSION

**FROM:** Marc Wiener, Community Development Director

## **TITLE**

Public hearing to consider Ordinances amending 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 regulations for smoke shops.

## **EXECUTIVE SUMMARY**

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

In addition to the health risks associated with the sale of tobacco, there has also been a track record of compliance issues associated with smoke shops. On March 19, 2025, the Redondo Beach Police Department inspected smoke shops located in the 2400 block of 190th Street and the 2200 block of Artesia Boulevard, and identified that they were selling cannabis and illegal flavored tobacco products. Other cities throughout the state are also encountering compliance issues. For example, the City of Modesto inspected its 47 smoke shops and found that all were selling flavored tobacco products, which were outlawed in 2022. The City of Fresno conducted inspections of its 67 smoke shops and found that 79% were selling illegal cannabis products, which resulted in the issuance of \$5 million in citations to the non-compliant businesses.

On April 15, 2025, the City Council reviewed and provided input on a draft Ordinance intended more effectively regulate smoke shops. The Council directed the City Attorney to return with a draft Urgency Ordinance imposing a temporary moratorium on the establishment of new smoke shops, to be in effect while the permanent ordinance is being developed. A 45-Day Urgency Ordinance was adopted on May 6, 2025 and extended for an additional year on June 10, 2025.

At this meeting staff is presenting the proposed permanent Smoke Shop Ordinance to the Planning Commission so that it may provide recommendations to the City Council via the attached Resolution (Attachment 1).

## **BACKGROUND**

The Municipal Code does not currently include a definition or specific regulations for smoke shops.

They are treated as a standard retail business that is permitted-by-right, meaning that an applicant only needs to obtain a business license to open and operate within the City. The North American Industrial Classification System (NAICS) defines smoke shops as establishments primarily engaged in retailing cigarettes, cigars, tobacco, pipes, and other smokers' supplies. There are approximately 15-17 smoke shops in Redondo Beach, six of which have opened since 2019.

Staff is proposing a draft ordinance that would create a definition for smoke shops and tobacco retailers, adding Section 10-2.1642, Article 4 (Special Use Regulations) to the Redondo Beach Municipal Code (RBMC) to regulate these types of businesses. The draft Ordinance would require all new smoke shops to obtain a Conditional Use Permit (CUP), which would provide the City with more discretion and authority over business permitting and operations for smoke shops.

The Draft Ordinance requires existing smoke shops to come into compliance with the new regulations by stating that "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 within five (5) years." The Conditional Use Permit for a smoke shop would be 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.

The Draft Ordinance also seeks to reduce the number of smoke shops over time by setting a cap on the allowed number of businesses while phasing out existing ones. A maximum of five (5) smoke shops would be permitted city-wide, with the exception of legal nonconforming smoke shops established prior to the effective date of the 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.
- 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.

The draft Ordinance also includes operational standards that apply to all existing and new smoke shops and expressly prohibits the sale or distribution of "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." The draft Ordinance also includes enforcement provisions allowing unannounced inspections by City officials and authorizes the City to apply criminal penalties as well as authority to revoke the operator's business license and/or CUP in response to violations.

## **ATTACHMENTS**

1. PC Resolution
2. Draft Amendments

