



Administrative Report

TO: PLANNING COMMISSION
FROM: Sean Scully, Planning Manager

TITLE

A public hearing to consider Ordinances amending Title 10, Chapter 2 Zoning and Land Use, Article 1 General Provisions, Section 10-2.402 Definitions and Title 10, Chapter 5 Coastal Land Use Plan Implementing Ordinance, Article 1 General Provisions, Section 10-5.402 Definitions of the Redondo Beach Municipal Code pertaining to the definition of "P" (permitted by right/use by right) in the City's various specified zones and procedures.

RECOMMENDATION

1. Open the public hearing and take testimony, receive and file all documents and correspondence on the proposed project;
2. Accept all testimony from staff, the public, and deliberate;
3. Close the public hearing;
4. Adopt the attached Resolution by title only, waiving further reading, recommending that the City Council adopt the CEQA Exemption Declaration, and amend Title 10, Chapter 2 Zoning and Land Use, Article 1 General Provisions, Section 10-2.402 Definitions and Title 10, Chapter 5 Coastal Land Use Plan Implementing Ordinance, Article 1 General Provisions, Section 10-5.402 Definitions of the Redondo Beach Municipal Code pertaining to the definition of "P" (permitted by right/use by right) in the City's various specified zones and procedures:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT THE CEQA EXEMPTION DECLARATION, AND AMEND TITLE 10, CHAPTER 2 ZONING AND LAND USE, ARTICLE 1 GENERAL PROVISIONS, SECTION 10-2.402 DEFINITIONS AND TITLE 10, CHAPTER 5 COASTAL LAND USE PLAN IMPLEMENTING ORDINANCE, ARTICLE 1 GENERAL PROVISIONS, SECTION 10-5.402 DEFINITIONS OF THE REDONDO BEACH MUNICIPAL CODE PERTAINING TO THE DEFINITION OF "P" (PERMITTED BY RIGHT/USE BY RIGHT) IN THE CITY'S VARIOUS SPECIFIED ZONES AND PROCEDURES.

EXECUTIVE SUMMARY

The California Department of Housing and Community Development has recently requested that the City adopt a zoning ordinance amendment providing a definition for "permitted by right/use by right" consistent with Government Code Section 65583.2, subdivision (i) in order to clarify the City's

implementation of “Program 9: By-Right Approval for Projects with 20 Percent Affordable Units” of the City’s 6th Cycle 2021-2029 Housing Element. To be clear the City has already adopted an ordinance implementing Program 9 (Ordinance No. CC-3282-24 and CC-3283-24 on November 12, 2024) and this proposed zoning ordinance amendment serves to simply define and make consistent with current State Housing Law the term “By-Right”.

BACKGROUND

On July 5, 2022, the City Council adopted the “City of Redondo Beach’s 6th Cycle (2021-2029) Housing Element”, incorporating all amendments recommended by the California Department of Housing and Community Development (HCD) and submitted the revised Housing Element to HCD on July 11, 2022.

In their letter dated September 1, 2022, HCD found the City of Redondo Beach’s adopted 6th Cycle (2021-2029) Housing Element to be in full compliance with State Housing Element Law (Article 10.6 of the Gov. Code). The September 1, 2022, “certification” letter from HCD also noted that all rezoning actions and “program” implementation prescribed in the City’s Housing Element must be completed three years and 120 days from the statutory deadline (February 12, 2025).

On June 20, August 1, August 15, and September 19, 2024, the Planning Commission held duly-noticed public hearings to take testimony from staff, the public and other interested parties, and to deliberate on updates and revisions to the City’s Zoning Ordinances and LCP required to implement the City’s Housing Element. At their meeting on September 19, 2024, the Planning Commission recommended that the City Council certify, pursuant to CEQA, the Final Program Environmental Impact Report for the “Redondo Beach Focused General Plan Update, Zoning Ordinance Updates and Local Program Amendments” in order to implement the City’s 6th Cycle 2021-2029 Housing Element inclusive of all the zoning amendments necessary for implementing the “Housing Sites” and “Housing Programs”.

At their public hearings on November 5, 2024, and November 12, 2024, the City Council adopted amendments to the City’s General Plan Land Use Element and the City of Redondo Beach’s Coastal Land Use Plan of the Local Coastal Program, and Redondo Beach Municipal Code, Title 10, Planning and Zoning, Chapter 1, Subdivisions, Chapter 2 Zoning and Land Use, Chapter 5 Coastal Land Use Plan Implementing Ordinance, that serve to implement the City’s 6th Cycle 2021-2029 Housing Element inclusive of all required zoning amendments for implementing the identified “Housing Sites” and “Housing Programs”.

On January 7, 2025, the City transmitted a letter to the State Department of Housing and Community Development that detailed the actions taken by the City Council in November 2024 to implement all of the General Plan Land Use Element and Local Coastal Program amendments and all the zoning amendments required for implementing the “Housing Sites” and “Housing Programs” within the City’s 6th Cycle 2021-2029 Housing Element. The January 7, 2025, transmittal to HCD included copies of all the adopted City Council Ordinances 3281-24, 3282-24, and 3283-24, as well as Resolutions 2410-105 and 2410-106 that implemented the Housing Element.

On August 27, 2025, HCD issued a “Letter of Technical Assistance” requesting that the City adopt a zoning code amendment by ordinance or resolution providing a definition for “use by right” consistent with Government Code Section 65583.2, subdivision (i). The “Letter of Technical Assistance” did not cite any other issues or concerns with the City’s adopted ordinances and resolutions that served to implement the “Housing Sites” and “Housing Programs” within the City’s 6th Cycle 2021-2029 Housing

Below is the proposed definition for “permitted by right/use by right” that would be added to Section 10-2.402 Definitions of the Zoning Ordinance and Section 10-5.402 Definitions of the Zoning Ordinance for the Coastal Zone” as requested by HCD. HCD has been provided with a copy of this definition and the city is awaiting their response/comment(s). The draft definition references and incorporates the language within Government Code Section 65583.2, Subdivision (i) pursuant to HCD’s direction.

“Section 10-2.402 Definitions.

(135.5) “P” designates use classifications as “permitted by right” in the specified zone. “Permitted by right” is equivalent to “use by right” as defined by Government Code Section 65583.2, Subdivision (i) and shall mean a development project that satisfies all of the following conditions:

- (1) The development is required to be approved ministerially if it meets pre-defined objective standards.
- (2) The development project does not require a conditional use permit, planned unit development permit, or any other discretionary review.
- (3) The development project is not a “project” for purposes of the California Environmental Quality Act (CEQA) (Division 13 commencing with Section 21000 of the Public Resources Code) and is generally exempt from the CEQA review process.”

ENVIRONMENTAL STATUS

Staff has determined that the proposed zoning ordinance amendments are Categorically Exempt from further environmental review, pursuant to Section 15060(c)(2), as the project is not expected to result in a reasonably foreseeable change in the environment, and Section 15061(b)(3) 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”), of the Guidelines of the California Environmental Quality Act (CEQA).

CONCLUSION

The Planning Division recommends that the Planning Commission recommend that the City Council adopt an CEQA Exemption Declaration and amend Title 10, Chapter 2 Zoning and Land Use, Article 1 General Provisions, Section 10-2.402 Definitions and Title 10, Chapter 5 Coastal Land Use Plan Implementing Ordinance, Article 1 General Provisions, Section 10-5.402 Definitions of the Redondo Beach Municipal Code pertaining to the definition of “P” (permitted by right/use by right) in the City’s various specified zones and procedures.

ATTACHMENTS

1. RESOLUTION NO. 2025-10-PCR-10
2. CEQA Exemption Declaration_Permitted By Right Definition
3. HCD Certification Letter_09.01.2022
4. RB HE Program Implementation Letter_01.07.2025
5. HCD Technical Assistance Letter_08.27.2025