

ORDINANCE NO. *****

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
REDONDO BEACH, CALIFORNIA, AMENDING TITLE 10,
CHAPTER 2 SECTION 10-2.1626 OF THE REDONDO BEACH
MUNICIPAL CODE TO ALLOW COMMERCIAL CANNIABIS
ACTIVITIES INLAND ZONES OF THE CITY**

WHEREAS, on November 8, 2016, Proposition 64, the Control, Regulate, and Tax Adult Use of Cannabis Act ("AUMA") became law; and

WHEREAS, the AUMA regulates, among other items, the use of cannabis for personal and commercial purposes, including the recreational use of cannabis by adults over 21 years of age; and

WHEREAS, the personal use aspects of the AUMA were adopted as state law in California Health and Safety Code Section 11362.1, et. seq., which makes it "lawful under state and local law" for persons 21 years of age or older to "possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever" up to 28.5 grams of cannabis in the form of concentrated cannabis contained in cannabis products; and

WHEREAS, the AUMA made it lawful for those individuals to "possess, plant, cultivate, harvest, dry, or process not more than six living cannabis plants and possess the cannabis produced by the plants; and

WHEREAS, cannabis plants, as they begin to flower and for a period of two (2) months or more, produce a strong odor, which can be detectable far beyond property boundaries if grown outdoors; and

WHEREAS, the AUMA made it lawful for individuals above the age of 21 to smoke or ingest cannabis or cannabis products other than in public places, vehicles, within 1000 feet of schools day care centers or youth centers while children are present, or anywhere that the smoking of tobacco products is already prohibited; and

WHEREAS, the AUMA permits cities to "reasonably regulate" without completely prohibiting cultivation of cannabis inside a private residence or inside an "accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure" and to completely prohibit outdoor cultivation on the grounds of a private residence, up to and until a "determination by the California Attorney General that nonmedical use of cannabis is lawful in the State of California under federal law"; and

WHEREAS, to regulate commercial use of cannabis, the AUMA would add Division 10 (Cannabis) to the Business & Professions Code, which grants state agencies "the exclusive authority to create, issue, renew, discipline, suspend, or revoke" licenses for businesses

including the transportation, storage, distribution, sale, cultivation, manufacturing, and testing of cannabis; and

WHEREAS, the AUMA provides for the creation of the Bureau of Cannabis within the Department of Consumer Affairs, which shall promulgate cannabis regulations as will the Department of Food and Agriculture and the Department of public health and the state may begin issuing licenses under Business and Professions Code Division 10 beginning January 1, 2018; and

WHEREAS, under the Federal Controlled Substances Act, the use, possession, and cultivation of cannabis are unlawful and subject to federal prosecution without regard to state permissions such as the AUMA or a claimed medical need pursuant to the MMRSA; and

WHEREAS, the California Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Cannabis Grown for Medical Use recognizes that the cultivation or other concentration of cannabis in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

WHEREAS, based on the experiences of other cities, these negative effects on the public, health, safety, and welfare must be studied prior to the establishment and operation of cannabis cultivation, processing, testing, and distribution uses; and

WHEREAS, based on the findings above, the potential personal cannabis cultivation and use and the possible establishment of commercial cannabis cultivation, processing, testing, transportation, sales and other uses in the City without regulation poses a threat to the public health, safety, and welfare in the City due to the negative land use and other impacts as described above; and

WHEREAS, because the state commercial provisions of the AUMA take effect on January 1, 2018, the City must disallow commercial cannabis activities in order to ensure that local regulations are promulgated and local control maintained; and

WHEREAS, if the City Council does not enact such a commercial ban by January 2, 2018, a valid state license would be the only requirement to open and operate any commercial cannabis business in any commercial zone in the City; and

WHEREAS, the AUMA states that a local jurisdiction shall not prevent transportation of cannabis or cannabis products on public roads by a licensee transporting cannabis or cannabis products in compliance with Division 10; and

WHEREAS, the "Medical Cannabis Regulation and Safety Act" ("MMRSA") which took effect January 1, 2016, regulates use of cannabis for medical purposes and the City of Redondo Beach adopted Ordinance No. 3152 which promulgated local regulations in accordance with the MMRSA, effective May 5, 2016; and

WHEREAS, on June 28, 2017 Governor Brown signed Senate Bill 94 ("SB 94" or the "Trailer Bill"), a budget trailer bill which combined medical and recreational cannabis regulations

ORDINANCE NO. ****

AMENDING TITLE 10, CHAPTER 2

SECTION 10-2.1626 OF THE REDONDO BEACH

MUNICIPAL CODE REGULATING COMMERCIAL

CANNABIS ACTIVITY IN INLAND ZONES

PAGE NO. 2

on a state level. Another consequence of Senate Bill 94 becoming law is that portions of the MMRSA were relocated and the currently adopted definitions in the Medical Cannabis portion of the Redondo Beach Municipal Code must be amended; and

WHEREAS, the City's Municipal Code does not currently address some of the uses that have become legal pursuant to the passage and adoption of the AUMA and subsequent amendment by SB 94; and

WHEREAS, in response to the enactment of SB 94, the proposed amendment to the Redondo Beach Municipal Code combines medical and recreational cannabis regulations on a local level; and

WHEREAS, on November 8, 2016 the City Council adopted a temporary moratorium on cannabis uses legalized by the passage of Proposition 64, hereinafter referred to as the Adult Use of Cannabis Act (or "AUMA") and directed City staff to begin working on permanent AUMA regulations; and

WHEREAS, on December 19, 2016, that moratorium expired by operation of law; and

WHEREAS, on April 20, 2017 the Planning Commission held a noticed public hearing and took public testimony regarding regulatory options surrounding commercial and personal use of cannabis in the City of Redondo Beach (or "City") pursuant to the passage of the AUMA; and

WHEREAS, on May 18, 2017, the Planning Commission continued the public hearing and after further public input and discussion the Commission directed City staff to return with resolutions recommending the adoption of:

- (1) an ordinance restricting outdoor personal cultivation to secured locations or lockable out buildings only;
- (2) an ordinance disallowing all commercial cannabis activities in the City of Redondo Beach to allow staff to study and create appropriate guidelines for the operation of commercial cannabis facilities in the City;
- (3) an amendment to the City's existing medical cannabis regulations to allow the delivery of medical cannabis to qualified patients in the City; and

WHEREAS, in order to create comprehensive and cohesive local system of commercial cannabis regulations, the City enacted a temporary ban while City staff and the Cannabis Taskforce studied all aspects of permitted commercial cannabis activities; and

WHEREAS, on October 5, 2021 the Cannabis Steering Committee presented their findings to the City Council; and

WHEREAS, on January 18, 2022, the City Council considered the draft cannabis ordinance and proposed storefront citing parameters and buffer maps made suggested changes for staff to review; and

WHEREAS, on March 3, 2022 the Planning Commission considered the draft commercial cannabis regulations and zoning amendments and made recommendations to the Council for consideration; and

WHEREAS, passing a City Council sponsored commercial cannabis ordinance would maintain the City's ability to develop important policy positions, business and land use regulations, and health and safety permits to preserve the quality of life that Redondo's residents, visitors and business community desire and expect; and

WHEREAS a critical companion to this ordinance is a City Council sponsored measure to adopt a Cannabis Business Tax, without the passage of which the City would be financially unable to address the secondary effects of commercial cannabis businesses; and

WHEREAS, this Ordinance is necessary to provide the City of Redondo Beach Police Department clearly established legal authority to protect the public and deter potential criminal cannabis activity.

WHEREAS, staff made some of those changes and is leaving it to the City Council's discretion to make any of the other suggested amendments or their own changes to this and the other two (2) proposed ordinances.

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

SECTION 1. The above recitals are true and correct, and the recitals are incorporated herein by reference as if set forth in full.

SECTION 2. 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 amendments qualify for CEQA exemption under Section 15060(c)(2) because the activity will not result in direct or reasonable foreseeable physical change in the environment and Section 15060(c)(3) as the activity is not a considered a project under CEQA Section 15378.
2. The amendments to the Zoning Ordinance are consistent with the General Plan.
3. The amendments to the Coastal Land Use Plan Implementing Ordinance are consistent with the City's Local Coastal Plan (LCP).
4. These amendments do not require a vote of the people under Article XXVII of the City Charter.

SECTION 3. AMENDMENT TO CODE. Title 10, Chapter 2, Section 10-2.1626 of the Redondo Beach Municipal Code shall be amended to read as follows:

“10-2.1626 Cannabis regulations.

(a) **Purpose and findings.** The City Council finds that it is in the interest of public health, safety, and welfare of the residents and businesses within the City to responsibly regulate and allow for commercial cannabis activities in the City of Redondo Beach.

(b) **Definitions.**

(1) **“A-license”** means a State license issued under this section for cannabis or cannabis products that are intended for adults twenty-one (21) years of age and over and who do not possess physician’s recommendations.

(2) **“A-licensee”** means any person holding a license under this section for cannabis or cannabis products that are intended for adults twenty-one (21) years of age and over and who do not possess physician’s recommendations.

(3) **“Act”** shall mean the California Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”), as in Business and Professions Code Section 26000 et seq., as amended from time to time

(4) **“Applicant”** shall mean and refer to a person applying for a Development Agreement pursuant to this ordinance.

(5) **“Cannabis”** means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this section, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

(6) **“Cannabis accessories”** means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body.

(7) **“Cannabis product”** means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

(8) **“Cannabis retailer”** means a commercial cannabis business where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to express authorization, cannabis and cannabis products as part of a retail sale, and where the operator holds a valid commercial cannabis business permit from the City of Redondo Beach authorizing the operation of a retailer, and a valid state license as required by state law to operate as a retailer.

(9) **“Caregiver” or “Primary caregiver”** has the same meaning as the term is defined in Section 11362.7 of the State Health and Safety Code.

- (10) **“City”** means the City of Redondo Beach.
- (11) **“City Council ”** or **“Council”** means the City Council of the City of Redondo Beach.
- (12) **“City Manager”** means the City Manager of the City of Redondo Beach or his or her designee(s).
- (13) **“Commercial cannabis activity”** includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery or sale of cannabis and cannabis products.
- (14) **“Commercial cannabis permit”** means the permit issued by the City under RBMC Section 6-2.00.
- (15) **“Conditional Use Permit”** means the permit issued by the City under RBMC Section 10-5.2506.
- (15) **“Cultivation”** means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- (16) **“Cultivation site”** means a location where cannabis is planted, grown, harvested, dried, cured, graded or trimmed, or a location where any combination of those activities occurs.
- (17) **“Customer”** means a natural person twenty-one (21) years of age or over or a natural person eighteen (18) years of age or older who possesses a physician’s recommendation.
- (18) **“Day care center”** means any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age child care centers.
- (19) **“Delivery”** means the commercial transfer of cannabis or cannabis products to a customer. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer (or a microbusiness engaging in retail sales).
- (20) **“Department”** means the Department of Cannabis Control within the Department of Consumer Affairs, formerly named the Bureau of Cannabis Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Cannabis Regulation.
- (21) **“Development Agreement”** means a contract between the City of Redondo Beach and the selected applicant.
- (22) **“Dispensary” or “storefront retailer”** means a location where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis and cannabis products.
- (23) **“Distribution”** means the procurement, sale, and transport of cannabis and cannabis products between licensees.
- (24) **“Edible cannabis product”** means cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Section 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code.
- (25) **“Gross receipts”** means, except as otherwise specifically provided herein, whether designated as a sales price, royalty, rent, commission, dividend, or other designation, the total amount (including all receipts, cash, credits, and property of any kind or nature) received or payable for sales of goods, wares, or merchandise without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor, or service costs,

interest paid or payable, losses, or any other expense whatsoever. However, the following shall be excluded from gross receipts:

- (a) Cash discounts where allowed and taken on sales;
- (b) Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
- (c) Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;
- (d) Receipts derived from the occasional sale of used, obsolete, or surplus trade fixtures, machinery, or other equipment used by the taxpayer in the regular course of the taxpayer's business;
- (e) Cash value of sales, trades, or transactions between departments or units of the same business;
- (f) Whenever there are included within the gross receipts amounts which reflect sales for which credit is extended and such amount proved uncollectible in a given year, those amounts may be excluded from the gross receipts in the year they prove to be uncollectible; provided, however, if the whole or portion of such amounts excluded as uncollectible are subsequently collected, they shall be included in the amount of gross receipts for the period when they are recovered; and
- (g) Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded when in excess of one dollar.

(26) **“Hearing officer”** means the City Manager or his/her designee, who shall preside over administrative hearings.

(27) **“Manufacture”** means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

(28) **“Manufacturer”** means a person that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or re-labels its container, that holds a State license pursuant to this section.

(29) **“Medicinal cannabis”** means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), California Health and Safety Code Section 11362.5, by a medicinal cannabis patient in California who possesses a physician's recommendation.

(30) **“Medicinal delivery”** means the commercial transfer of medicinal cannabis to a customer that possesses a physician's recommendation. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under this section that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products.

(31) **“Nursery”** means a license that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

(32) **“Operation”** means any act for which any State or local licensure is required under the provisions of this section or any commercial transfer of cannabis or cannabis products.

(33) **“Owner”** means any of the following:

(a) A person with an aggregated ownership interest of twenty (20%) percent or more in the person or entity applying for a license or a licensee, unless such interest is solely in security, lien, or encumbrance.

(b) The chief executive officer or a member of the board of directors of a nonprofit organization.

(c) An individual who will be participating in the direction, control, or management of the person or entity applying for a license.

“Owner” means any of the following:

1. All persons identified as an “owner” on any permit, license, or other authorization issued by a state agency or local government which authorizes the persons to establish and operate the cannabis facility.

2. Any person identified or required to be identified as an “owner” on an application filed with any state agency and any local government, wherein the application requests the privilege to operate the cannabis facility.

3. If no person under subsection 1 or 2, above, exists:

a. A person with an aggregate ownership interest of 20 percent or more in the corporate entity, partnership, or other business entity applying for a permit or a Permittee, unless the interest is solely a security, lien, or encumbrance.

b. The chief executive officer of a nonprofit or other entity.

c. A member of the board of directors of a nonprofit.

d. An individual who will be participating in the direction, control, or management of the person applying for a permit. A member of the board of directors of a nonprofit.

e. An individual who will be participating in the direction, control, or management of the person applying for a permit.

(34) **“Package”** means any container or receptacle used for holding cannabis or cannabis products.

(35) **“Permit Administrator”** means the Community Development Director or designee.

(36) **“Permittee”** means a person who has obtained a commercial cannabis permit from the city to operate a cannabis business.

(37) **“Person”** includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

(38) **“Physician’s recommendation”** means a recommendation by a physician and surgeon that a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.

(39) **“Premises”** means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted

(40) **“Private residence”** means a house, an apartment unit, a mobile home, or other similar dwelling.

(41) **“Purchaser”** means the customer who is engaged in a transaction for purposes of obtaining cannabis or cannabis products.

(42) **“Qualified delivery service”** is one that has been licensed pursuant to the requirements of California Business and Professions Code Section 26050, maintains at all times while operating in the City of Redondo Beach all necessary State licenses, and operates in compliance with State and local law.

(43) **“Sell,” “sale,”** and **“to sell”** includes any transaction whereby, for any consideration, title to cannabis is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom such cannabis or cannabis product was purchased.

(44) **“State license”** means a State license issued under this section, and includes both an A-license and an M-license, as well as a testing laboratory license.

(45) **“State licensee”** means any person holding a license under this section, regardless of whether the license held is an A-license or an M-license, and includes the holder of a testing laboratory license.

(46) **“State licensing authority”** means the State agency responsible for the issuance, renewal, or reinstatement of the license, or the State agency authorized to take disciplinary action against the licensee.

(47) **“Testing laboratory”** means a laboratory, facility, or entity in the State that offers or performs tests of cannabis or cannabis products and that is both of the following:

- a. Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the State.
- b. Licensed by the Department.

(48) **“Testing service”** means a laboratory, facility, or entity in the State, that offers or performs tests of cannabis or cannabis products, including the equipment provided by such laboratory, facility, or entity, and that is both of the following:

- a. Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the State.
- b. Registered with the State Department of Public Health.

(49) **“Youth center”** means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

(c) Commercial cannabis activities prohibited unless specifically authorized by this chapter.

(1) It shall be unlawful for any person to operate, cause, allow, assist, participate in, engage in, or in any way conduct any commercial cannabis activity within the city, including but not limited to the cultivation, delivery, distribution, manufacture, testing, transport, retail, microbusiness, purchase, sale, testing, distribution, giving away, or otherwise transferring of cannabis or cannabis products, or any other activities for which a license is available except in compliance with the provisions of Section (c)(2) below.

(2) The prohibitions of subsection (c)(1) shall not apply to the following persons, provided said person operates in strict accordance with State and local regulations:

- a. A clinic, licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code;
- b. Health care facility, licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code;
- c. A residential care facility for persons with chronic life-threatening illness, licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code;
- d. A residential care facility for the elderly, licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code;
- e. A residential hospice or home health agency, licensed pursuant to Chapter 8 of the Health and Safety Code;
- f. Personal indoor cultivation in compliance with this ordinance;
- g. A licensee's transportation of cannabis or cannabis products on public roads pursuant to subsection (b) of Section 26080 or subsection (e) of Section 26090 of the Business and Professions Code, as the same may be amended from time to time, provided the licensee is permitted or approved to operate by the local jurisdiction in which the licensee's facilities are physically located;
- h. A Permittee authorized to engage in retail activities under this ordinance, provided that said person has entered into a Development Agreement with the city, has been granted a conditional use permit, has been issued the requisite license from the Department, and otherwise complies, at all times, with the provisions of this ordinance.

(3) Until the City establishes a local commercial cannabis tax, the City hereby expressly prohibits the delivery of cannabis and cannabis products within the City except by cannabis retailers based within the City. If the City is required by State law to permit the delivery of cannabis and cannabis products by cannabis retailers not based within the City, such cannabis retailers not based within the City shall be required to comply with the provisions in this ordinance, including, but not limited to, the City commercial cannabis business permit application and approval processes under the ordinance.

(4) Delivery of medicinal cannabis and medicinal cannabis products to qualified patients and their primary caregivers by state licensee cannabis businesses, is permitted within the City until a retailer issued a commercial cannabis business permit.

(5) **Individual cultivation restrictions.**

- a. No person shall plant, cultivate, harvest, dry, or process more than six (6) cannabis plants or permit more than six (6) cannabis plants to be planted, cultivated, harvested, dried, or processed within a single private residence, or upon the grounds of that private residence at one time.

- b. Personal cultivation permitted under Health and Safety Code Section 11362.2, as amended from time to time, must occur in a secured indoor location or outdoors within a locked structure upon the growers own property, or a property to which they have explicit authority to access, and in an area that is not visible from a public right-of-way.

(6) **Commercial cannabis retailer regulations.**

- a. **Cannabis Retailer Permit Required.** A cannabis retailer must obtain and maintain at all times a valid Commercial Cannabis permit as required pursuant to Redondo Beach Municipal Code Title 6, Chapter 6.

- b. **Conditional Use Permit and Zoning.**

- (1) A Conditional Use Permit is required to establish a cannabis business or operate as a cannabis retailer. Cannabis retailers shall be required to comply with all zoning, land use, and

development regulations applicable to the zoning district in which they are permitted to establish and operate such business as set forth in the Redondo Beach Municipal Code.

(2) The cannabis retailer is not required to obtain a Conditional Use Permit prior to applying for a Commercial Cannabis Permit.

(3) If a cannabis retailer is authorized by Conditional Use Permit to operate a cannabis business on a particular site and such operation is discontinued for a continuous period of 12 months, the Conditional Use Permit expires for discontinuance of use and thereafter is void.

c. **Number of Retailers.** No more than two (2) sites may be used for storefront commercial cannabis retailers at any time. Those sites maybe concurrently licensed to provide Delivery.

d. **Location Requirements.**

A. Cannabis retailers shall be permitted only in commercial and industrial zones, specifically limited to the C-1, 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, CR, I-1, I-1A, I-1B, I-2, I-2A, and IC-1 zones. Cannabis retailers are prohibited in Coastal Commercial zones. Cannabis retailers are prohibited in any public-institutional zones and zones where residential is permitted.

B. No retailer shall be established or located within 1,000 feet, measured from the nearest property lines of each of the affected parcels, of any other cannabis retailer.

C. No retailer shall be established or located within 1,500 feet of any public or private high school or middle school, measured from the nearest property lines of each of the affected parcels.

D. No retailer shall be established or located within 600 feet from public or private elementary schools, day cares, and youth centers, measured from the nearest property lines of each of the affected parcels.

E. Each Council District shall only have one (1) cannabis retail site.

F. No permitted cannabis retailer may operate from a location that has previously been enforced upon for illegal cannabis activities, for a minimum of 5 years from the passing of this ordinance or from the date of the violation, whichever is later.

e. **Operating Requirements.** In addition to those operating requirements specifically set forth in Section 6-2.05, the following operating requirements shall apply to all cannabis retailers operating in the City of Redondo Beach:

A. **Hours of Operation.** Storefront retail sales may be open for access to the public between the hours of 9:00 a.m. and 10:00 p.m., Monday through Sunday. Delivery hours shall be limited to between the hours of 6:00 a.m. and 10:00 p.m., Monday through Sunday.

B. Commercial cannabis activities may only operated within a fully enclosed and permanent building. For purposes of this ordinance, the phrase "fully enclosed and permanent building" shall mean a structure having a roof that is enclosed on all sides and is intended and has a useful life appropriate for long-term use, as contrasted with a "temporary building" that is not designed or intended to be permanently located, placed, or affixed to the premises.

C. No permitted cannabis retailer may operate from a location that has previously been enforced upon for illegal cannabis activities, for a minimum of 5 years from the passing of this ordinance.

D. Notwithstanding the requirements of Section 6-2.07, uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities.

E. For medicinal cannabis, the retailer shall verify the age and all necessary documentation of each customer to ensure the customer is not under the age of eighteen (18) years and that the potential customer has a valid physician's recommendation. For adult-use cannabis, the retailer shall verify the age of each customer to ensure the customer is not under the age of twenty-one (21) years.

F. Delivery services are permitted in association with a Cannabis Retailer. Delivery of cannabis shall be permitted in compliance with provision (c)(2)(h) of this Section. A delivery service may operate only as a part of and in conjunction with a retailer permitted pursuant to State law and pursuant to Redondo Beach Municipal Code. Delivery of cannabis from a retailer permitted pursuant to this Section can only be made in a City of County that does not expressly prohibit it by ordinance.

(e) **Public nuisance.** Any use or condition caused, or permitted to exist in violation of any provision of this section within the City limits of the City of Redondo Beach is declared to be a public nuisance and may be abated by the City either pursuant to Title 4, Chapter 10 of Redondo Beach Municipal Code or any available legal remedies, including, but not limited to, civil injunctions.

(f) **Criminal penalties.** Any violation of any provision of this section shall be deemed a misdemeanor and shall be enforced pursuant to Title 1, Chapter 2 of Redondo Beach Municipal Code.

(g) **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.

(h) **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."

SECTION 4. 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. 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 6. This ordinance shall be published by one insertion in 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.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2022.

William C. Brand, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael W. Webb, City Attorney

Eleanor Manzano, CMC, City Clerk

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

I, Eleanor Manzano, City Clerk of the City of Redondo Beach, California, do hereby certify that the foregoing Ordinance No. _____ duly introduced at a regular meeting of the City Council held on the ____day of _____, 2022, and was duly approved and adopted by the City Council at a regular meeting of said City Council held on the ____day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, CMC
City Clerk