

**City of Redondo Beach
Planning Commission Minutes
Adjourned Regular Meeting
March 3, 2022**

A. CALL TO ORDER

A Virtual meeting of the Planning Commission was held pursuant to California Assembly Bill 361 and City Council action and was called to order by Chair Gaddis at 6:30 p.m.

B. ROLL CALL

Commissioners Present: Behrendt, Boswell, Godek, Hazeltine, Hinsley, Lamb, Chair Gaddis

Officials Present: Brandy Forbes, Community Development Director
Jillian Martins, Senior Deputy City Attorney
Lina Portolese, Planning Analyst

C. SALUTE TO THE FLAG

Commissioner Hazeltine led in the Salute to the Flag.

D. APPROVE OF ORDER OF AGENDA

Motion by Commissioner Hazeltine, seconded by Commissioner Lamb, to approve the order of the agenda, as presented. Motion carried 7-0, with the following roll call vote:

AYES: Behrendt, Boswell, Godek, Hazeltine, Hinsley, Lamb, Chair Gaddis
NOES: None
ABSTAIN: None
ABSENT: None

E. BLUE FOLDER ITEMS – ADDITIONAL BACK UP MATERIALS - None

F. CONSENT CALENDAR

There were no public comments or eComments on this item.

**F. 1. APPROVE AFFIDAVIT OF POSTING OF THE PLANNING COMMISSION
ADJOURNED REGULAR MEETING OF MARCH 3, 2022**

**F. 2. APPROVE MINUTES OF THE PLANNING COMMISSION REGULAR MEETING OF
FEBRUARY 17, 2022**

F. 3. RECEIVE AND FILE PLANNING COMMISSION REFERRALS TO STAFF UPDATE

No update since February 17, 2022

Motion by Commissioner Hazeltine, seconded by Commissioner Hinsley, to approve the Consent Calendar, as presented. Motion carried 7-0, with the following roll call vote:

AYES: Behrendt, Boswell, Godek, Hazeltine, Hinsley, Lamb, Chair Gaddis
NOES: None
ABSTAIN: None
ABSENT: None

G. EXCLUDED CONSENT CALENDAR ITEMS - None

H. PUBLIC PARTICIPATION NON-AGENDA ITEMS

There were no eComments or public comments on items not on the agenda.

I. EX PARTE COMMUNICATIONS

Commissioner Behrendt reported speaking with Chair Gaddis, City staff, Councilmembers Obagi, Nehrenheim, Loewenstein, Emdee and Horvath, Jonatan Cvetko from the Cannabis Steering Committee, Kerri Ann Lawson from the Beach Cities Health District, former Councilmember Kagel, Ms. Joan Irvine, Members of the Redondo Beach Business Association, a Cannabis Law expert and residents.

Commissioner Boswell spoke with Jonatan Cvetko from the Cannabis Steering Committee, Councilmember Obagi, residents and Geoff Maleman of the Galleria.

Commissioner Lamb spoke with Councilmembers Nehrenheim and Obagi.

Commissioner Hazeltine spoke with Councilmember Obagi and residents.

Commissioner Hinsley spoke with City staff, Jonatan Cvetko from the Cannabis Steering Committee and residents.

Chair Gaddis spoke with Commissioner Behrendt, Mayor Brand, Councilmember Loewenstein, residents and City staff.

J. PUBLIC HEARINGS

J. 1. PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCES AMENDING TITLE 6 BUSINESS, PROFESSIONS, AND TRADES, 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 CANNABIS REGULATIONS AND CONSIDER ADOPTION OF CATEGORICAL EXEMPTIONS FROM THE

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE AMENDMENTS

RECOMMENDATIONS:

- 1. Open Public Hearing, take testimony from staff and other interested parties and deliberate;**
- 2. Close Public Hearing; and**
- 3. Adopt a resolution by title only subject to the findings contained therein:**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCES AMENDING TITLE 6 BUSINESSES, PROFESSIONS, AND TRADES, TITLE 10 CHAPTER 2 ZONING AND LAND USE, AND TITLE 10 CHAPTER 5 COASTAL LAND USE PLAN IMPLEMENTING ORDINANCE PERTAINING TO CANNABIS REGULATIONS AND RECOMMENDING THAT THE CITY COUNCIL ADOPT CATEGORICAL EXEMPTIONS FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE AMENDMENTS.

CONTACT: BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR

Motion by Chair Gaddis, seconded by Commissioner Hazeltine, to open the public hearing.
Motion carried 7-0, with the following roll call vote:

AYES:	Behrendt, Boswell, Godek, Hazeltine, Hinsley, Lamb, Chair Gaddis
NOES:	None
ABSTAIN:	None
ABSENT:	None

Community Development Director Forbes narrated a PowerPoint presentation with details of the Administrative Report; discussed the Planning Commission's role at this time in terms of land use; spoke about residential zones adjacent to cannabis sites and addressed security requirements.

Discussion followed regarding transfer and sale of licenses once they are granted, the possibility prohibiting the transfer of licenses but rather require licenses to be forfeited back to the City, addressing the definition of "ownership", eliminating the three-year period in terms of prohibiting the sale and transfer of licenses, recommending that City Council review the pros and cons of CUPs versus business licenses, the possibility of hiring a third-party consultant that could advise on some of the cannabis-related issues, addressing corporate ownership of licenses, the development agreement process, allowing commercial cannabis retail and not cultivation, the 600 ft. boundary limitations and potential qualifying zone sites.

In response to Commissioner Hinsley, Director Forbes stated that the City Council will oversee the selection process and would have the authority to approve the development agreement. The Planning Commission would review the Conditional Use Permit application for the physical

location land use approval.

Commissioner Hinsley commented that the language seems to allow for cultivation even if there is language elsewhere that disallows it, confirmed that buffer zones from schools and daycares included a neighboring city if near a border, and clarified that the City Council recommended including the CR zone.

In response to Commissioner Hazeltine, Director Forbes reviewed a map of buffer zones and general areas where cannabis retail could potentially be located.

Commissioner Hazeltine supported smaller size retailers and license transfers being reviewed by the City.

Chair Gaddis suggested prohibiting both licenses being owned by any one set of partners or cross ownership between two licenses and setting a time limit between the time a license is granted and the time it starts being used and discussed combined licenses for retail and delivery on the same site.

Commissioner Behrendt talked about making sure that one owner is not just a shell company for another and suggested stringent reviews.

In reply to Commissioner Boswell's question, Community Development Director Forbes and Senior Deputy City Attorney Martins discussed commercial cultivation versus individual cultivation and commented on regulations and enforcement, state versus local regulations and packaging and labeling requirements.

Discussion continued regarding inspections, access to surveillance and making records available to Law Enforcement, and a limit to the length of time surveillance must be stored.

Commissioner Godek commented on buffers from residential zones, driveway access adjacent to residential zones, clarification on prohibiting deliveries originating in other cities, increasing the distance between locations.

Commissioner Boswell discussed limiting ownership to one license, whether the limitation to two locations is sufficient to serve the City, clarification of delivery businesses, and concerns with storage of customer personal data and privacy.

Commissioner Lamb suggested that permittees have a community relations contact who would be available to businesses and residents within 600 feet of the commercial cannabis business; that during the first year of operation, the owners, managers, community relations contact and operators of the businesses attend quarterly meetings with the City Manager. After that the meetings would be as required by the City Manager and noted that is the policy in Culver City.

Commissioner Hinsley expressed concerns regarding the possible concentration of uses in district boundaries such as Torrance Boulevard (separating Districts 1 and 2) and along a part of Artesia Boulevard.

Discussion followed regarding the need for valid state and local permits/licenses, concerns regarding child safety, advertising and personal privacy, restricting the sale of candy (edibles), regulations regarding delivery services, access to surveillance videos, requiring deletion of videos after a given number of days, creating buffers between residential areas and dispensaries, prohibiting driveways onto residential streets, prohibiting deliveries from outside the City and challenges with enforcement, increasing the distance between two similar cannabis businesses, the possibility of limiting owners to have associations with only one license and starting with two cannabis facilities per district.

Community Development Director Forbes noted this will be cash-only businesses and spoke about the importance of security.

Chair Gaddis spoke about the possibility of prohibiting advertising billboards; discussed avoiding locating cannabis businesses along Artesia Boulevard and commented on issues with privacy and records retention.

Commissioner Behrendt reported concerns with access to live surveillance access by the Police and the possibility of overreach in terms of individual privacy; suggested recommending that City Council promote inclusiveness and commercial diversity of operators within the retail cannabis community and to provide an opportunity for smaller, less-established and newer operators while ensuring their competency and limiting licenses to owners/operators who have owned operated four or less cannabis shops.

Chair Gaddis invited comments from the public.

Candace Nafissi spoke about the possibility of requiring businesses to have private security guards.

Joan Irvine reported she provides cannabis education for seniors; noted no legal store will risk losing their license by selling to children; stated there are restrictions in terms of the amount a cannabis an individual can buy at one time; asserted that all stores use age verification and mentioned that children know about what is happening with cannabis.

Motion by Commissioner Behrendt, seconded by Commissioner Boswell, to extend Ms. Irvine's time to comment. Motion carried 7-0.

Ms. Irvine reported that people in the cannabis business have expertise in retail and what it means to be a community member.

Courtney Caron, Attorney, Adamant Law Group, thanked the Commission for having the discussion and allow her to contribute; encouraged Commissioners to visit a shop or research unique operators such as Artist Tree or Haven; felt the City is limiting itself by restricting applications to those who have four stores or less; talked about youth prevention and suggested requiring a youth education and youth prevention plan from each operator.

Motion by Commissioner Hinsley, seconded by Commissioner Lamb, to extend Ms. Caron's time to comment. Motion carried 7-0.

Ms. Carone cautioned against conducting a license process without some form of property requirement; spoke about delays in licensing because of understaffing in particular cities and a lack of understanding of what is necessary for a CUP to be received; noted many operators now accept credit cards and added that states regulate the daily limit a consumer may purchase.

Jonatan Cvetko listed his experience in connection with cannabis and cannabis regulations; spoke about the importance of the City maintaining local control of this issue and pass an ordinance in a timely fashion and commented favorably on the proposed ordinance.

Zein Obagi reported receiving input from older residents in favor of the ordinance; noted lawsuits are inevitable and wondered about funding of those lawsuits.

Kerianne Lawson, Beach Cities Health District, spoke about keeping retail shops away from schools and where kids typically go for lunch, etc.; talked about the message being sent in terms of acceptability of cannabis use and urged the Commission to think about unintended consequences.

Dana Cisneros, Attorney, discussed Proposition 218 and spoke about the land-use component in terms of how a dispensary would fit into a neighborhood and having property requirements.

Planning Analyst Lina Portolese read eComments into the record from Lisa Garland, Michael Garland and Dana Cisneros.

There were no other public comments.

In response to Commissioner Hazeltine's question Community Development Director Forbes reported the Redondo Beach Police Chief suggested having full-time police surveillance.

Discussion followed regarding prohibiting cannabis shops in the Galleria, conducting quarterly audits by an outside, independent auditor and the possibility of requiring a bond.

Commissioner Hinsley stated he opposes a cannabis facility in or near the Galleria; referenced the General Plan and alleged cannabis retail does not meet permitted uses under regional commercial and agreed with the Steering Committee in terms of removing cannabis businesses from regional commercial zones.

Commissioner Hinsley further referenced the safe paths to school and bus routes and recommended a 600-foot buffer from certain bus routes going to schools.

Commissioner Hinsley commented that the audit requirement seems to focus on just financials, and suggested it should be broader to include operational conditions.

Motion by Commissioner Behrendt, seconded by Commissioner Hinsley, to call for a recess.
Motion carried 7-0.

Recess/Reconvene

Chair Gaddis called a recess at 10:02 p.m. The meeting reconvened at 10:07 p.m. with all Commissioners, present.

Chair Gaddis agreed with prohibiting cannabis retailers in the Galleria or along Artesia Boulevard and discussed a fee of no more than 5% of gross receipts required in the development agreement.

Discussion followed regarding signage requirements, recommending a "subdued" appearance in terms of signage, acceptance of debit/credit cards, the possibility of limiting locations to industrial areas, avoiding price-gouging by landlords, the CC zone (Sea Lab), financial solvency of the operator and industrial areas in the City.

Motion by Commissioner Hinsley, seconded by Commissioner Boswell, to allow public comment for a second time. Motion carried 7-0.

Joan Irvine expressed concerns regarding placing cannabis shops in industrial zones in relation to public safety and stressed that children are not allowed inside cannabis shops.

Commissioners Hazeltine and Boswell noted industrial zones in the City are located in nice neighborhoods and have parking available.

Commissioner Lamb commented on cannabis retail being part of the normal, everyday life, within the next few years.

Jonatan Cvetko noted the Steering Committee learned from the lessons provided by various cities; reported they found that locating cannabis shops in industrial areas was a big mistake because of landlord predatory practices; suggested starting this off as a pilot program; added that most businesses would find cannabis shops to be more viable within commercial zones and spoke about minimizing litigation.

Community Development Director Forbes presented details of additional recommendations to include in the resolution.

Relative to hiring an expert consultant to review and give feedback regarding the ordinance, Commissioner Bowell suggested specifying "a thoroughly vetted consultant with a verifiable track record in the regulatory aspect of the cannabis business" and felt someone in the Steering Committee may be qualified to act as an expert consultant.

Commissioner Hinsley commented on existing language that could be used for Item No. 8 of the recommended changes to the resolution in terms of the definition of ownership/owners.

Senior Deputy City Attorney discussed the definition of ownership in regard to massage parlors.

Discussion followed regarding prohibiting retail cannabis storefronts on Artesia Boulevard and within 600 feet of the entire Beach Cities Bus Line 102 route bus stops, prohibiting cannabis business billboard advertising in the City, setting limits per district or per zip code, starting with smaller organizations versus corporations, avoiding limiting ownership, giving consideration to who will do the best job, City Council's selection process, expanding current audit requirements and appearance requirements.

Discussion continued regarding areas on Artesia Boulevard where cannabis stores may be located, buffer areas around youth centers, schools and daycare facilities, consideration of a buffer around the aquatics center, state mandates regarding 600-foot buffer zones, considerations of liquor stores near daycare facilities, revitalizing Artesia Boulevard and making it "family friendly".

Commissioner Boswell opposed the 24/7 live feed surveillance and the resulting loss of privacy and noted other methods for security.

Discussion followed regarding state security requirements for retail cannabis businesses, avoiding Police overreach, industry standards for security and mirroring the City's requirements to state requirements.

Motion by Commissioner Lamb, seconded by Commissioner Godek, to close the public hearing. Motion carried 7-0, with the following roll call vote:

AYES:	Behrendt, Boswell, Godek, Hazeltine, Hinsley, Lamb, Chair Gaddis
NOES:	None
ABSTAIN:	None
ABSENT:	None

Motion by Commissioner Lamb, seconded by Commissioner Godek, to waive further reading of and adopt a resolution by title only subject to the findings contained therein:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCES AMENDING TITLE 6 BUSINESSES, PROFESSIONS, AND TRADES, TITLE 10 CHAPTER 2 ZONING AND LAND USE, AND TITLE 10 CHAPTER 5 COASTAL LAND USE PLAN IMPLEMENTING ORDINANCE PERTAINING TO CANNABIS REGULATIONS AND RECOMMENDING THAT THE CITY COUNCIL ADOPT CATEGORICAL EXEMPTIONS FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE AMENDMENTS as amended by adding Section 6. Motion carried 7-0, with the following roll call vote:

AYES:	Behrendt, Boswell, Godek, Hazeltine, Hinsley, Lamb, Chair Gaddis
NOES:	None
ABSTAIN:	None

ABSENT: None

K. ITEMS CONTINUED FROM PREVIOUS AGENDAS - NONE

L. ITEMS FOR DISCUSSION PRIOR TO ACTION - NONE

M. ITEMS FROM STAFF

Community Development Director Forbes reported City Council will be considering the possibility of returning to in-person meetings.

N. COMMISSION ITEMS AND REFERRALS TO STAFF

Commissioner Boswell shared a postcard he received in the mail regarding a cannabis delivery business in the City of Commerce.

O. ADJOURNMENT

There being no further business to come before the Commission, Commissioner Hinsley motioned, seconded by Commissioner Godek, to adjourn at 12:45 a.m. on March 4, 2022, to a Planning Commission regular meeting on March 17, 2022, at 6:30 p.m. Motion carried unanimously, without opposition.

All written comments submitted via eComment are included in the record and available for public review on the City website.

Brandy Forbes, AICP
Community Development Director