RESOLUTION NO. 2022-03-PCR-02

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 RECOMMEDING THAT THE CITY COUNCIL ADOPT CATEGORICAL EXEMPTIONS FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE AMENDMENTS

WHEREAS, on November 8th, 2016 Proposition 64 known as the Adult Use of Marijuana Act (AUMA) was approved by state voters, and regulates the use of marijuana for personal and commercial purposes, including recreational use of marijuana by adults over 21 years of age;

WHEREAS, AUMA stipulates that if a City did not enact local commercial licensing restrictions by January 1st, 2018, a valid state license would be the only requirement to operate a commercial marijuana business in any commercial zone in the City;

WHEREAS, on December 7th, 2017, the City Council adopted Ordinance Nos. 3177 and 3178 to regulate the personal use and cultivation of cannabis and restrict commercial cannabis activities until local regulations and interests could be analyzed and identified for implementation;

WHEREAS, in order to analyze and identify cannabis regulations appropriate for Redondo Beach, in 2018 a Steering Committee was appointed by the City Manager comprised of representatives from the law enforcement community, Redondo Beach Unified School District (RBUSD), Beach Cities Health District (BCHD), and other outside interest groups familiar with common best practices for commercial cannabis regulations including storefront siting, taxation, delivery, and development agreement options;

WHEREAS, the Steering Committee met multiple times over several years and presented their work and recommendations to the City Council on October 5th, 2021, at which time the City Council directed staff to prepare draft code amendments;

WHEREAS, on January 18th, 2022 the City Council discussed the draft code amendments for cannabis licensing and proposed storefront siting parameters, at which time they provided additional direction and requested that the draft amendments be presented to the Planning Commission;

WHEREAS, the Planning Commission held a duly noticed public hearing, took public testimony, and considered the draft amendments on the 3rd day of March, 2022.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY FIND AS FOLLOWS:

SECTION 1. 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 2. The above recitals are true and correct, and the recitals are incorporated herein by reference as if set forth in full.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. AMENDMENT TO CODE. The Planning Commission recommends that Title 6 Businesses, Professions, and Trades of the Redondo Beach Municipal Code be amended as follows:

Add Chapter 6 COMMERCIAL CANNABIS ACTIVITY

6-2.00 Commercial Cannabis Retailer Permit Regulations.
6-2-01 Definitions. The technical terms and phrases used in this Chapter are defined in Redondo Beach Municipal Code Section **10-2.1626 (see RBMC Chapter 10-2.1626 Marijuana Regulations).**

6-2.02 Commercial cannabis permit required to engage in commercial cannabis activity. No person may operate a commercial cannabis business or engage in commercial cannabis activity within the City of Redondo Beach including cultivation, processing, manufacturing, testing, sale, delivery, distribution, or transportation of cannabis or a cannabis product unless the person (1) has a valid commercial cannabis permit from the City of Redondo Beach; (2) has any and all valid state or local permits;

and (3) is currently in compliance with all applicable state and local laws and regulations pertaining to the commercial cannabis business and the commercial cannabis activity, including holding the necessary state licenses to engage in commercial cannabis activity.

6-2.03 Application Procedure.

(a) The city may, in its sole discretion, approve and direct the issuance of a notice inviting applications, a request for applications, or similar solicitation inviting persons interested in operating commercial cannabis activities in the city to submit an application for a Development Agreement.

(b) Whether to issue a solicitation for applications, the manner of accepting applications, the manner of application review, and whether to approve or deny any such application shall be subject to the sole and absolute discretion of the City Council. The criteria utilized in evaluating or scoring any application for a Development Agreement shall be that specified in this ordinance, elsewhere in the Redondo Beach Municipal Code, or in the solicitation for applications issued by the City Council. Subject to the discretion of the City Council, the solicitation may include provisions pertaining to: the information required to be submitted by applicants, including but not limited to the application information specified in the regulations for a license from the Department. the city's application review, vetting, and approval processes; the review and scoring criteria that will be utilized by the city in distinguishing among applicants; applicant background checks and verification requirements; conditions of approval; security features and requirements; operating guidelines, standards, limitations, and requirements; site improvement obligations; maintenance requirements; book, accounting, and record keeping requirements; and/or a draft Development Agreement.

(c) A Development Agreement approved by the City Council is required before any person operates a retailer site in the city. Said Development Agreement shall set forth the terms and conditions under which the commercial cannabis activities may be undertaken, in addition to the terms and conditions otherwise set forth in this ordinance. Subject to the agreement of any state Permittee and approval of the City Council , such additional terms and conditions of the Development Agreement may include, but are not limited to, public outreach and education requirements, community service requirements, the payment of mutually agreeable fees and charges, development and operating plans (including site plan, floor plan, and elevations), security measures, operating standards and procedures, site location and design standards, and such other terms and conditions as may be agreed upon by a Permittee and the City Council , as well as those that the City Council deems necessary to protect and promote the public health, safety, and welfare of the community.

(d) In addition to a Development Agreement, no person shall operate a retail site until a conditional use permit has been approved by the planning commission or City Council. The application process for the conditional use permit shall be the same as is generally applicable to conditional use permits in the city, provided that a

Development Agreement between the Permittee and the city shall be a condition precedent to approving a conditional use permit.

(e) Nothing in this ordinance is intended or shall be construed as requiring the City Council to approve any Development Agreement(s) or to otherwise allow commercial cannabis activities in the city. No application for a Development Agreement will be accepted except during the times specified by the City Council in a solicitation for applications. The City Council's solicitation for, review of, and approval of any application for a Development Agreement is discretionary, and nothing in this ordinance is intended or shall be interpreted as rendering commercial cannabis activities a "by-right" land use in the city.

6-2.04 Fees and Charges.

(a) Each applicant or Permittee shall timely and fully pay all fees set forth in this ordinance. Failure of an applicant to pay the requisite fees is grounds for denial, and the failure of a Permittee to pay the requisite fees shall constitute a breach of the Development Agreement, and is grounds for revocation of the conditional use permit. Except as otherwise provided herein, the amount of each fee shall be established by resolution of the City Council.

(1) Application fee to cover the city's costs incurred in the initial acceptance and review of an application for a Development Agreement, due and payable in full at the time an application is submitted.

(2) Processing fee(s) to cover the costs incurred in the review, investigation, scoring, and/or selection of an applicant for the award of a Development Agreement shall be due and payable in full at the time an application is submitted.. The city may charge a separate processing fee for each round of the application review and selection process. Such Agreement shall be granted in accordance with evaluation criteria specified by the City Council in a notice inviting applications, a request for proposal ("RFP"), or similar solicitation

(b) In addition to the fees specified in subsection (a), applicants and Permittees shall timely pay all other applicable fees , including, but not limited to, fees associated with processing applications for conditional use permits, Development Agreements, building permits, and plan checks, as well as the city's cost of preparing a Development Agreement.

(c) In addition to the fees set forth in this ordinance, a Development Agreement entered into pursuant to this ordinance may provide for a Permittee to pay the city a fair share contribution towards the city's costs incurred. Such costs may include, without limitation, enforcing the provisions of this ordinance, inspecting for and remediating any direct or secondary negative impacts of the commercial cannabis activities, and mitigating impacts to the city's existing public facilities caused by the commercial cannabis facility. If applicable, the remediation payments described in this ordinance

shall be memorialized in a Development Agreement, and paid by a Permittee to the city in strict accordance with the terms thereof.

6-2.05 Development Agreement and Operating Standards.

(a) Permittees, and the premises upon which commercial cannabis activities are operated, shall strictly comply with this ordinance, the Development Agreement, the conditional use permit, the Act, and anything else required by the Department or the State licensing authority. To the extent of a conflict among any of the foregoing, the more restrictive provision shall control unless a different intent is clear from context.

(b) A fee of no more than 5% of gross receipts may be required in the Development Agreement. This fee is to sunset upon the establishment of a local commercial cannabis tax.

(c) All premises where commercial cannabis activities are operated shall comply with the following minimum development and operating standards:

(1) Commercial cannabis activities shall occur in a fully enclosed and permanent building, as described in this ordinance.

(2) Persons under the age of twenty-one (21) shall be prohibited from the premises at all times, other than as lawful customers permitted under State law in the case of Medicinal cannabis retailers. If such retail establishment sells Medicinal cannabis, persons under the age of twenty-one (21) and over the age of eighteen (18) shall be permitted to enter the establishment only after verification that they possess a valid Medical Marijuana ID card.

(3) A premises shall notify patrons of the following through the posting of a sign outside the premises posted in a conspicuous location near the entrance of the building.:

(a) That loitering on and around the premises is prohibited by California Penal Code § 647(e).

(b) That patrons must immediately leave the site upon concluding the reason for their visit, and may not consume cannabis or cannabis products on the premises.

(c) That patrons may be subject to prosecution under federal law.

(d) That the use of cannabis or cannabis products may impair a person's ability to drive a motor vehicle or operate machinery.

(4) Permittees shall provide the name and phone number of an on-site staff person who shall be responsible for notification of any operational problems or emergencies associated with the premises or the operation thereof to the Police Department and City Manager.

(5) All commercial cannabis business shall be operated within the specific part of the premises specified in the Development Agreement and/or conditional use permit. No commercial cannabis activities shall take place in an area exceeding the square footage authorized in the controlling Development Agreement, conditional use permit, or the licensee's license; whichever is most restrictive.

(6) All exterior windows, doors, loading and unloading docks or bays, and any points of ingress or egress to the premises where the commercial cannabis business will be operated, shall be secured from unauthorized entry by commercial grade, nonresidential locks, and in a manner specifically approved by the Police Department. The exterior of each of the foregoing areas shall be illuminated during twilight hours.

(7) The ingress and egress points of any storage areas for cannabis or cannabis products shall be locked and secured at all times, and shall be under the control of and accessible only to Permittee's authorized personnel as disclosed to the City.

(8) Each Permittee shall implement a track-and-trace system, compliant with the Act, to record the chain of supply of cannabis or cannabis products from "seed-to-sale."

(9) The exterior appearance of the premises, including but not limited to the design, color, landscaping, screening, architectural treatments, signage, and other such aesthetic features of the premises shall comply with the standards applicable to the underlying zoning district, as may be modified or supplemented through the Development Agreement and/or conditional use permit. Except as modified herein, or in a Development Agreement or conditional use permit, the premises shall comply with the development standards applicable to the underlying zoning district.

(10) Development Agreement

(10) All exterior signage on the premises shall comply with city standards, the Development Agreement and/or conditional use permit. Should these provisions conflict, the terms of the Development Agreement shall control.

(12) The exterior of the premises shall comply with the city's generally applicable lighting standards including, without limitation, fixture type, wattage, illumination levels, shielding; and associated approvals and permits.

(13) All waste generated by or resulting from commercial cannabis activities shall be disposed of as required by law. and Pending disposal such waste shall be stored in a locked and secure area that is under the control of and accessible only to Permittee's authorized personnel.

(14) On-site sales of alcohol or tobacco products, and consumption of food, alcohol, tobacco, cannabis, or cannabis products on the premises is **strictly prohibited**.

(15) The premises shall provide an odor absorbing ventilation and exhaust system so that odor generated inside the structure where commercial cannabis activities are taking place cannot be detected outside the structure, anywhere on adjacent property, public rights-of-way, or within any other unit or structure on the premises where commercial cannabis activities are not taking place.

(16) Be provided with adequate electricity, sewerage, disposal, water, fire protection, and storm drainage facilities for the intended purpose.

(17) Whether or not Applicants have obtained a property for the purposes of their commercial cannabis business prior to their selection, shall have no bearing on their selection.

(18) The Permit Administrator shall have the power and authority to promulgate rules, regulations, and requirements consistent with the provisions of this chapter and other law in connection with the issuance of a registration certificate. The Permit Administrator may designate an employee of his or her department to make decisions and investigate and take action under this chapter.

6-2.06 No transfer or change in ownership of location.

(a) Permittees may not sell, transfer, pledge, assign, grant an option, or otherwise dispose of, in whole or in part, their rights under or interest in a Development Agreement. it is strictly prohibited for any Owner to sell, transfer, pledge, assign, grant an option, or otherwise dispose of, in whole or in part, their ownership interest in the licensed cannabis business for a minimum period of three (3) years from the start of operation. No Permittee may allow for a separate entity to manage or operate their business or act as their agent in their place. Permittee may only transfer ownership after the initial period of time and with prior discretionary approval of the City Council. Before approving any such request, City may require the purchaser, assignee, or transferee to provide the same information and materials that are required of an initial applicant, including the payment of associated fees.

(b) Before exercising any rights under a Development Agreement, Permittees shall demonstrate proof of lawful possession of the premises where commercial cannabis activities are proposed to take place. Such evidence shall consist of properly executed deeds of trust, leases, licenses, or similar documents evidencing the Permittee's right to possession and use of the premises. Subject to the criteria specified by the City Council in its solicitation for applications, a Development Agreement shall be awarded contingent upon an applicant's subsequent identification of a premises that is acceptable to the City; or, subject to an applicant's provision of an option, letter of intent, or similar instrument executed by the current owner of the proposed premises in

favor of a Permittee or applicant, authorizing commercial cannabis activities to be operated therein.

(c) Commercial cannabis activities may only take place within the area, building, structure, and portion of the premises that is specifically described in Development Agreement and/or conditional use permit. A Permittee shall not relocate, move, or otherwise alter the location of its operations from the specific area so identified without obtaining prior approval from the City; regardless of any possessory interest or right to possession to such additional areas. No Permittee shall add additional or contiguous units or areas, thereby altering the initially approved premises, without prior approval of the City Council.

(d) Permittee shall not sublet, transfer, or otherwise assign any portion of any approved premises for any purpose, unless the City Council grants prior approval of such amendment.

(e) Permittee shall not make any physical change, alternation, or modification to the approved premises that, in the opinion or discretion of the building official, materially or substantively alters the location or usage of the premises from the plans approved in the Development Agreement and/or conditional use permit, without the advanced approval of the City Council. For purposes of this subsection, the phrase "materially or substantively alters" shall mean any physical change, alternation, or modification to the area of the premises identified in the Development Agreement or conditional use permit for the operation of commercial cannabis activities that either: (1) increases the capacity or scope of commercial cannabis activities by five percent (5%) or more; or (2) requires a building permit.

6-2.07 Minimum Security Requirements.

(a) Permittees shall comply with the security standards and requirements set forth in this ordinance, the Development Agreement, the conditional use permit, and the Act. If any of the foregoing are inconsistent, the most restrictive provision shall control unless a different intent is clear from context.

(b) Security Standards are as follows:

(1) Owner shall establish a security system that prevents individuals from remaining on the premises of the commercial cannabis business if they are not engaging in an activity directly related to the permitted operations of the commercial cannabis business and establishing limited access areas accessible only to authorized commercial cannabis business personnel.

(2) Panic buttons shall be installed in all commercial cannabis businesses.

(3) Sensors shall be installed to detect entry and exit from all secure areas.

(4) Each commercial cannabis business shall have the capability to remain secure during a power outage and shall ensure that all access

doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

(5) All Security Personnel shall be vetted through and approved by the Police Department.

(c) All Premises where commercial cannabis activities are operated and their personnel shall comply with the following minimum security standards:

(1) Security Cameras.

a. Security cameras shall be installed and maintained on the premises in a good working condition, and shall be capable of producing digitally recorded documentation in a format approved by the Police Department.

b. All security cameras on the premises shall be in use twenty-four (24) hours per day, seven (7) days per week. Permittees are responsible for ensuring that all surveillance equipment is properly functioning and maintained so that the playback quality is suitable for viewing and the surveillance equipment is capturing the identity of all individuals and activities in the monitored areas.

c. All video surveillance equipment shall have sufficient battery backup to support a minimum of four (4) hours of recording in the event of a power outage.

d. The areas of the premises to be covered by the security cameras include, but are not limited to: (1) all storage areas for cannabis or cannabis products; (2) all areas where commercial cannabis activities are operated; (3) each location where weighing, packaging, transport, preparation, or tagging activities occur; (4) the interior and exterior of all points of ingress or egress to storage areas; (5) all doors and windows; (6) loading and unloading bays, the interior and exterior of all points of ingress or egress to the structure on the premises where commercial cannabis activities are operated, and (7) all points of ingress or egress to the premises.

e. Surveillance recording equipment must be housed in a designated, locked, and secured room or other enclosure with access limited to authorized employees or local law enforcement agencies for appropriate purposes.

f. All entrances and exits to the facility shall be recorded from both indoor and outdoor vantage points.

g. At least one camera shall be dedicated to recording the access points to the secured surveillance recording area.

h. Permittees shall keep a current list of all authorized employees and personnel who have access to the surveillance system and/or room on the premises.

i. Permittees shall keep a surveillance equipment maintenance activity log to record all service activity, including the identity of the individual performing the service, the service date and time, and the reason for service. Such records shall be maintained on the premises and shall be made available to the city upon request.

j. The system shall be capable of recording all pre-determined surveillance areas in any lighting conditions.

k. Video surveillance equipment shall, at a minimum, consist of digital or network video recorders, cameras capable of meeting the requirements described in this ordinance, video monitors, digital archiving devices, a color printer, and the capability to produce still color photograph from any camera image, live or recorded. The date and time shall be embedded on all surveillance recordings without significantly obscuring the picture. The time on the surveillance video is to be measured in accordance with the official United States time established by the National Institute of Standards and Technology and the U.S. Naval Observatory.

l. Video surveillance systems must be equipped with a failure notification system that provides prompt notification of any prolonged surveillance interruption and/or the complete failure of the surveillance system to the Permittee and Police Department.

m. All surveillance recordings must be kept for a minimum of ninety (90) days and be in a format that can be easily accessed for viewing. Video recordings must be archived in a format that ensures authentication of the recording as a legitimately captured video, and ensures no alteration of the recorded image has taken place.

n. After the ninety-day (90) surveillance video retention period has lapsed, surveillance video recordings must be erased or destroyed prior to being discarded or disposed of for any other purposes. Surveillance video recordings may not be destroyed if the premises knows, or should have known of a pending criminal, civil, or administrative investigation, or any other proceedings for which the recording may contain relevant information.

o. Upon request, Permittees shall make available to the Police Department or local law enforcement agency, for law enforcement purposes, all information related to security alarm systems, recordings, monitoring, and/or system activity.

p. Permittees may utilize off-site monitoring and video recording storage, or an independent third-party service, to satisfy the requirements of this ordinance, provided the standards exercised at the remote location meet or exceed all standards for on-site monitoring set forth herein.

q. The cannabis business shall be responsible for ensuring that the security surveillance camera footage is compatible with the city's software and hardware and remotely accessible by the Chief of Police. Alarm systems shall send real time alerts directly to the Police Department.

(2) Alarm System.

a. The premises shall be equipped with a reliable, commercial alarm system that is operated and monitored by a security company or alarm business twenty-four (24) hours a day, seven (7) days a week, operating in full compliance with this ordinance.

b. Permittees shall maintain on the premises up to date and current records and existing contracts with third party alarm system or security services providers that: (1) describe the location and operation of each security alarm system, (2) a schematic of security zones, (3) the name of the alarm company, and, if different from the name of the alarm company, (4) the name of any vendor monitoring the premises.

c. At a minimum, the alarm system shall monitor all exterior points of access into the structure on the premises where commercial cannabis activities are operated, including but not limited to windows and doors.

(3) Security Guard. At all times a premises is open to the public, at least one security guard who is licensed, possesses a valid department of consumer affairs "security guard card".

(4) Records. All records applicable to the surveillance system, alarm system, and track-and-trace system shall be maintained on the premises, and available for inspection upon request by the Police Department or other local law enforcement personnel for law enforcement purposes or to ensure compliance with this ordinance, the Act, or the Regulations.

6-2.08 County Health Permit. The City shall work with The County of Los Angeles to adopt the county's Cannabis Compliance and Enforcement Program and require the city's cannabis Permittees to obtain the county's health permit prior to operation.

6-2.09 Criminal Penalties.

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

(b) Separate offenses for each day. Any person who violates any provision of this ordinance 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.

(c) Use or activity prohibited by State law. Nothing in this ordinance shall be deemed to permit or authorize any use or activity which is otherwise prohibited by State law

6-2.10 Violations.

(a) The city may initiate abatement proceedings as authorized by this ordinance or state law to correct or cure any violation of this ordinance. The city shall be entitled to recover its courts costs and reasonable attorneys' fees in the event of a court order or judgment of abatement is entered in favor of the city.

(b) Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor.

(c) The remedies provided herein are not to be construed as exclusive remedies. The city is authorized to pursue any proceedings or remedies provided by law.

(d) Violations declared a public nuisance. Each and every violation of the provisions of this chapter is hereby deemed unlawful and a public nuisance.

6-2.11 Audits. No later than February 15 of every calendar year, each Permittee shall file with the city one copy of an audit of its operations for the previous calendar year, completed and certified by an independent certified public accountant in accordance

with generally accepted auditing and accounting principles. The audit shall include, but not be limited to, a discussion, analysis, and verification of each of the records required to be maintained pursuant to this ordinance.

6-2.12 Records.

(a) Permittees shall maintain records at the premises accurately and truthfully documenting the following:

(1) Each owner and operator of a commercial cannabis business shall maintain a current register of the names and the contact information (including the full names, address, and telephone number) of anyone owning, holding an interest in or managing the commercial cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the commercial cannabis business. The register required by this paragraph shall be provided to the city manager or his/her designee upon a reasonable request.

(2) All receipts of the premises, including but not limited to all payments, purchases, contributions, reimbursements, and reasonable compensation, whether in cash or in kind, concerning commercial cannabis activities, whether among licensees or otherwise.

(3) Commercial cannabis businesses must record all commercial cannabis activity in the track and trace system as required by state law.

(4) Proof of compliance with the Act and regulations, including but not limited to the license issued by the Department authorizing a Permittee to operate commercial cannabis activities on the premises;

(5) Any other required documentation described in the Development Agreement required to be maintained on the premises.

(6) The foregoing records shall be maintained by Permittees for a period of seven (7) years and shall be made available by the Permittee to the Police Department, other local law enforcement, or the city manager upon request. If such records are not produced as requested, the city may seek a search warrant, subpoena, or court order to compel access thereto. The records shall be stored at the premises in a manner capable of being reproduced promptly and accurately. Any loss, damage or destruction of the records shall be reported to the Police Department within twenty-four hours.

(b) Upon institution of a city-wide cannabis tax, it shall be the duty of every owner and operator of a commercial cannabis business to keep all records as may be necessary to determine the amount of tax due hereunder and shall preserve the same for a period of four years. The tax administrator shall have the right to inspect such records at all reasonable times. The finance director shall determine the mode and method of recordkeeping required to assist the tax collector to perform the duties required of him under this section. At the time of permit renewal, each owner and operator shall submit to the city a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the finance director.

6-2.12 Compliance with laws.

Nothing in this chapter shall be construed as authorizing any actions that violate state or local law with respect to the operation of a commercial cannabis business. It shall be the responsibility of the owners and operators of the commercial cannabis business to ensure that the commercial cannabis business is, at all times, operating in a manner compliant with all applicable state and local laws, any subsequently enacted state law or regulatory, licensing, or certification requirements, and any additional operating procedures or requirements which may be imposed as conditions of approval of the commercial cannabis permit. Nothing in this chapter shall be construed as authorizing any actions that violate state law regarding the operation of a commercial cannabis business. Except as otherwise provided herein, this ordinance incorporates the requirements of the Act. In the event of any conflict between the provisions of this ordinance and the provisions of the foregoing, the more restrictive provision shall control.

6-2.13 Interpretation. The provisions of this ordinance shall be read to be consistent with all the provisions of state and local law, and their implementing regulations, as well as the other provisions of this ordinance.

6-2.14 Severability. Should any provision of this ordinance, or its application to any persons or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this ordinance or the application of this ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

6-2.15 Limitation of Liability

(a) To the fullest extent permitted by law, the city shall not assume any liability whatsoever, with respect to receiving, reviewing, processing, denying, or approving any application to operate commercial cannabis activities under this ordinance.

(b) As a condition of submitting an application for a Development Agreement, and as a further condition of approval, each applicant or Permittee, as applicable, shall: (1) agree to indemnify the city and its elected and appointed officers, employees, and representatives, from and against any claims, damages, injuries, or liabilities of any kind relating to or arising from an application, the city's denial or approval of an application, or the operation of commercial cannabis activities; (2) waive any and all claims, damages, injuries, or liabilities of any kind against the city and its elected and appointed officers, employees, and representatives; (3) agree to defend, at its sole cost and expense, any action against the city and/or its elected and appointed officers, employees, and representatives, relating to or arising from an application, denial or approval of an application, or the operation of a commercial cannabis activity; and (4) agree to reimburse the city for any court costs and attorneys' fees (with legal counsel of the city's choice) incurred in any legal challenge relating to an application, the denial or approval of any application, or the operation of a commercial cannabis activity.

6-2.16 Suspension, revocation or modification of permits.

(a) Commercial cannabis permits may be suspended, revoked or modified for any violation of any state or local law and/or any rule, regulation, and/or standard adopted pursuant to this chapter or in this Code, whether committed by the Permittee or any employee or agent of the Permittee.

(b) A decision of the city to suspend, revoke or modify a commercial cannabis permit is appealable to a hearing officer and any appeal must be filed with the city manager at least ten (10) working days prior to the commencement date of the permit revocation or modification.

(1) The City Clerk shall not accept an appeal, and no hearing shall be held, unless the appellant has paid a filing fee, in an amount set by resolution of the City Council, to defray the cost of such appeal. Any appeal without the timely payment of fees shall be considered to be untimely.

(2) The scope of the appeal hearing pursuant to this section shall be limited to those issues raised by the appellant in the written appeal, as submitted pursuant to subsection (a) of this section.

(3) Upon receipt of a timely filed appeal, the City Clerk shall set the matter for hearing before the City Manager. The hearing shall be held not fewer than ten (10) calendar days and not more than thirty (30) calendar days from the date of the appeal request. The hearing may be continued from time to time upon the mutual consent of the parties.

(4) The appellant shall be provided with notice of the time and place of the appeal hearing, as well as a copy of all relevant materials at least fifteen (15) calendar days prior to the hearing.

(5) An appeal shall stay all proceedings in furtherance of the appealed action. following appeal, the decision of the hearing officer may be appealed to the city council. A decision of the city council shall be the final decision of the city.

(c) Any premises, or portion of a premises, for which the cannabis public health permit has been suspended or revoked shall close, cease doing business, and remain closed until the cannabis Health Permit has been reinstated or reissued by the City Health Officer.

(d) Additionally, when there is an imminent threat to public health, safety or welfare, the city manager or his/her designee, may take immediate action to temporarily suspend a commercial cannabis permit issued by the city, pending a hearing before the city manager or his/her designee within ten (10) working days of suspension. The decision of the City Manager may be appealed to the City Council, whose decision shall be final.

SECTION 2. AMENDMENT OF CODE. The Planning Commission recommends that Title 10, Chapter 2 Section 10-2.126 be fully amended to read as follows:

10-2.1626 Marijuana 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"** For the purpose of this section "cannabis" and "marijuana" shall have the same meaning.

(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 marijuana and marijuana 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 10-2.2506.

(15) **"Cultivation"** means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

(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 Marijuana 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) **"Manufacture"** means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.

(27) **"Manufacturer"** means a person that conducts the production, preparation, propagation, or compounding of marijuana or marijuana 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 marijuana or marijuana products or labels or re-labels its container, that holds a State license pursuant to this section.

(28) **"Marijuana"** or **"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.

(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 marijuana or marijuana 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) "**Permittee**" means a person who has obtained a commercial cannabis permit from the city to operate a cannabis business.

"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.

(36) **"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.

(37) **"Private residence"** means a house, an apartment unit, a mobile home, or other similar dwelling.

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

(39) **"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.

(40) **"Sell," "sale,"** and **"to sell"** includes any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana 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 marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.

(41) **"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.

(42) **"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.

(43) **"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.

(44) **"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.

(45) **"Testing service"** means a laboratory, facility, or entity in the State, that offers or performs tests of marijuana or marijuana 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 marijuana activity in the State.

b. Registered with the State Department of Public Health.

(46) **"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 (a) 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 operate 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 3. AMENDMENT OF CODE. The Planning Commission recommends that Title 10, Chapter 5 Section 10-5.1626 be fully amended to read as follows:

10-5.1626 Marijuana 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"** For the purpose of this section "cannabis" and "marijuana" shall have the same meaning.

(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.

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(13) **"Commercial cannabis activity"** includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery or sale of marijuana and marijuana 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 marijuana.

(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 Marijuana Regulation.

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(a) Cash discounts where allowed and taken on sales;

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(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;

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(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.

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(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 marijuana or marijuana products.

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(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.

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"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.

(36) **"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.

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(39) **"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.

(40) **"Sell," "sale,"** and **"to sell"** includes any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana 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 marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.

(41) **"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.

(42) **"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.

(43) **"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.

(44) **"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.

(45) **"Testing service"** means a laboratory, facility, or entity in the State, that offers or performs tests of marijuana or marijuana 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 marijuana activity in the State.

b. Registered with the State Department of Public Health.

(46) **"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 (a) 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 operate 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 beemployed 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 ageof 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 shall declare 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. Below are additional recommendations from the Planning Commission for the City Council to consider in finalizing and implementing the cannabis regulations.

1. Correct numbering and reference in10-2 and 10-5.1623(c)(2) references the "prohibitions of subsection (a)". That should reference subsection (c)(1) immediately above it.

2. Add definitions for the following terms:
    a. Hearing Officer
    b. Tax Administrator
    c. Finance Director
    d. Permit Administrator
    e. Premises

3. Correct discrepancy between calendar days referenced in 6-2.16(b)(3) and (b)(4) so that materials would not have to be submitted in advance of the appeal itself.

4. In 6-2.05(c)(14) add clarification that employees would be permitted to consume food on site not in the customer area.

5. By limiting to two licenses, it is a duopoly. Under Subsection 6-2.06 remove the reference to the "...minimum period of three (3) years from the start of operation." And remove the language, "Permittee may only transfer ownership after the initial period of time and with prior discretionary approval of the City Council. Before approving any such request, City may require the purchaser, assignee, or transferee to provide the same information and materials that are required of an initial applicant, including the payment of associated fees."

6. Require a Conditional Use Permit condition that authorizes that CUP only while there is an operator that has a commercial cannabis retailer permit per Title 6.

7. Consider engaging a thoroughly vetted and referenced consultant with experience evaluating the cannabis industry to evaluate the ordinance in its entirety.

8. Institute a mechanism to vet all owners. Specifically, if a certain percentage is proposed to be assigned to new owners or partners, permittee is to notify the City and must obtain prior City Council approval. A restriction should be added to prohibit a permittee to be a C Corporation.

9. Prohibit the two permits from having the same or common ownership.

10. Require that the developer agreement set a timeframe from when a permit is issued to when it is required to be in operation.

11. Revise 6-2.02 to read, "No person may operate a commercial cannabis business or engage in commercial cannabis activity within the City of Redondo Beach including cultivation, processing, manufacturing, testing, sale, delivery, distribution, or transportation of cannabis or a cannabis product unless the person (1) has a valid commercial cannabis retailer permit from the City of Redondo Beach; (2) has any and all valid state or local permits; and (3) is currently in compliance with all applicable state and local laws and regulations pertaining to the commercial cannabis business and the commercial cannabis activity, including holding the necessary state licenses to engage in commercial cannabis activity." Where the language is specifying that only a cannabis retailer permit allowed.

12. Require in the developer agreement that the permittee have a community relations contact available to businesses and residents within 600' of the site and quarterly meetings required between community relations contact and City Manager for first year and at request of City Manager thereafter.

13. Revise Section 6-2.05(c)(5) to address and not inadvertently prohibit delivery. The language currently states, "All commercial cannabis business shall be operated within the specific part of the premises specified in the Development Agreement and/or conditional use permit. No commercial cannabis activities shall take place in an area exceeding the square footage authorized in the controlling Development Agreement, conditional use permit, or the licensee's license; whichever is most restrictive."

14. Developer agreement should restrict permitted local cannabis retail businesses from advertising on billboards in the City of Redondo Beach.

15. If there is no requirement under the law for personal information to be collected for cannabis retail storefront licensees, prohibit the business from requiring that the personal information be collected in order to be a customer.

16. Concern with real time surveillance being an invasion of privacy. Return the video surveillance requirements to be limited to the State requirements, police not surveilling the cannabis site, or if police have surveillance access, not recording it. If police have recordings of surveillance at the discretion of the permittee, should delete surveillance recordings within 90 days unless part of an active investigation.

17. Regarding buffering residential zones:

    a. Prohibit entrances and exits and driveways associated with cannabis retailers on streets where adjacent to residential zone where residential shares that road within the same block.

18. Add restriction that no more than cannabis retail site per street.

19. Consider requiring a bond for liability.

20. Consider requiring in the development agreement an audit of operations in addition to the financial auditing requirement to be paid for by the permittee.

21. Recommend that Council add supplemental appearance requirements per 6-2.05(c)(9) in the development agreement.

22. Remove the CR zone that includes the Galleria site as an allowed zone for cannabis retailer permits.

23. Considering that Beach Cities Transit Route 102 is a main bus line for Redondo Beach High School students to take to school, with two bus stops on Artesia Boulevard between Ridge Lane and Hawthorne Boulevard, recommend removing the commercial sites along Artesia Boulevard between Ridge Lane and Hawthorne Boulevard from consideration for cannabis retailer permits.

FINALLY RESOLVED, that the Planning Commission forward a copy of this resolution to the City Council so the Council will be informed of the action of the Planning Commission.

PASSED, APPROVED, AND ADOPTED this 3rd day of March, 2022.

Rob Gaddis, Chair
Planning Commission
City of Redondo Beach

ATTEST:

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

I, Brandy Forbes, Community Development Director of the City of Redondo Beach, California, do hereby certify that the foregoing Resolution No. 2022-03-PCR-02 was duly passed, approved and adopted by the Planning Commission of the City of Redondo Beach, California, at an adjourned regular meeting of said Planning Commission held on the 3rd day of March, 2022 by the following roll call vote:

AYES: Chair Gaddis, Commissioners Behrendt, Boswell, Hazeltine, Hinsley, Godek, and Lamb

NOES: None

ABSENT: None

Brandy Forbes, AICP
Community Development Director

APPROVED AS TO FORM:

City Attorney's Office