

**TO THE CITY COUNCIL OF THE CITY OF REDONDO BEACH:**

We, the undersigned, registered and qualified voters of the State of California, residents of the City of Redondo Beach, pursuant to Sections 1 and 11 of Article II of the California Constitution and Article 1 (commencing with Section 9200) of Chapter 3 of Division 9 of the Elections Code, present to the City Council of the City of Redondo Beach this petition, and request that the following proposed amendments to the city's Zoning Ordinance for the Coastal Zone be submitted to the registered and qualified voters of the city for their adoption or rejection at the next statewide general, statewide primary, or regularly scheduled municipal election, pursuant to Elections Code section 1200, 1201, or 1301.

**The People of the City of Redondo Beach do ordain as follows:**

**Section 1. Title.**

This initiative measure shall be known and may be cited as the "King Harbor Coastal Access, Revitalization, and Enhancement Act" or "King Harbor CARE Act" (hereinafter sometimes referred to as the "Act").

**Section 2. Findings and Declarations of Purpose.**

A. Findings. The People of Redondo Beach support revitalization of the city's waterfront and reasonable new development in the King Harbor-Pier area subject to standards and regulations that actually realize (a) the purposes and objectives of the coastal resources planning and management policies governing public access and recreation, set forth in chapter 3 of the California Coastal Act of 1976 ("Coastal Act") and the city's Coastal Land Use Plan for the city's King Harbor-Pier Area; and (b) their intent in approving Measure G in November 2010, which adopted the Redondo Beach Local Coastal Program (LCP) for the King Harbor-Pier area, including major changes to the city's Coastal Land Use Plan and its Zoning Ordinance for the Coastal Zone. The People of Redondo Beach further find and declare that:

(1) The King Harbor-Pier area and the coastal-dependent uses it offers are a major waterfront recreational attraction for visitors from the city and from throughout the Los Angeles metropolitan area and beyond;

(2) The waterfront development planning that ensued after the Redondo Beach voters' approval of Measure G has led to real estate industry-centric project planning and zoning interpretations that fail to protect, prioritize and meaningfully enhance public access for coastal-dependent, waterfront recreational opportunities, and adversely impact existing public views of the harbor, the coastline and the ocean;

(3) Reliance on city staff, appointed city officials and elected city officials alone has proved insufficient to ensure that the diverse and best interests and well-being of the People of Redondo Beach and the State of California, including visitors from inland communities, are effectively accounted for and adequately represented in the planning of new development at King Harbor, and in proposed project evaluation and approval processes; and

(4) The additions to the Zoning Ordinance for the Coastal Zone contained in the King Harbor CARE Act are intended to be carried out in conformity with the Coastal Act and the city's Coastal Land Use Plan, to actually realize the purposes and objectives of the Coastal Act, and increase the level of protection provided by the minimum standards and policies set forth in chapter 3 of the Coastal Act for public access, recreation, and protection of public views to and along the harbor and ocean waters. These additions are not intended to authorize and do not authorize the use of any parcel of land other than a use that is designated in the city's certified LCP as a permitted use of the parcel.

B. Purpose and Intent. The People of Redondo Beach further declare that their purpose and intent in adopting the King Harbor CARE Act is to:

(1) Strengthen and clarify the Measure G coastal planning and zoning approved by the Redondo Beach voters in November 2010, in order to carry out the intent of both the voters and the California Coastal Commission, when it took action on the city's LCP in July 2009, to preserve and expand public access to King Harbor and safe enjoyment of coastal-dependent, water-oriented recreational uses; to strongly discourage removal of existing coastal-dependent land uses; to strongly encourage the construction of a public boat launch ramp; to protect existing harbor and ocean water views; and to maintain and, where feasible, restore the biological productivity and quality of coastal waters; and

(2) Catalyze project planning that increases reliance on public transit, bicycle and pedestrian means of access to the King Harbor-Pier area, while deemphasizing dependency on car travel as a mode of transportation to and within this

area; and avoids physical and nonphysical development barriers that deter or disparately impact accessibility to the King Harbor-Pier area and the water-oriented recreational opportunities actually and potentially available in this area for present and future generations of visitors.

**Section 3. Amendment of Redondo Beach Municipal Code Section 10-5.1177 (“Development standards: P-PRO Parks, Recreation, and Open Space Zone”), part of Title 10 (“Planning and Zoning”), Chapter 5 (“Coastal Land Use Plan Implementing Ordinance”), Article 2 (“Zoning Districts”), Division 6 (“Public and Institutional Zones”).**

Redondo Beach Municipal Code section 10-5.1117 is amended by adding a new subdivision (l), as follows (the added new text is underlined):

(a) Floor area ratio. The floor area ratio (FAR) of all buildings on a lot shall not exceed 0.25 (see definition of floor area ratio in Section 10-5.402).

(b) Building height. No building or structure shall exceed a height of thirty (30) feet (see definition of building height in Section 10-5.402).

(c) Stories. No building shall exceed two (2) stories (see definition of story in Section 10-5.402).

(d) Setbacks. Setbacks shall be determined subject to Planning Commission Design Review.

(e) General regulations. See Article 3 of this chapter.

(f) Parking regulations. See Article 5 of this chapter.

(g) Sign regulations. See Article 6 of this chapter.

(h) Landscaping regulations. See Article 7 of this chapter.

(i) Coastal Development Permits. See Article 10 of this chapter.

(j) Procedures. See Article 12 of this chapter.

(k) Water Quality Measures. See Chapter 7, Title 5 of the Redondo Beach Municipal Code.

(l) Seaside Lagoon Regional Park. The open space at Seaside Lagoon Regional Park actually accessible and usable by the public for water-oriented recreational activities shall be expanded. If expansion of the park's acreage, including both the land and the water facility, is shown to be economically infeasible under any site planning or project design alternative, the open space actually accessible and usable by the public for water-oriented recreational activities shall be fully preserved, as available on Memorial Day 2016, including: the saltwater sandy-bottom swimming facility, or, if shown to be required for water quality purposes, a replacement swimming facility of at least equivalent water surface area; the sandy beach; the volleyball courts; the showers; the restroom facilities; the concession building; the picnic and barbeque area; the play equipment area; and the luau shelter. No new or expanded structures, parking, streets or driveways in or adjacent to Seaside Lagoon Regional Park may decrease the park's open space for water-oriented public recreational uses, as available on Memorial Day 2016, or otherwise impact or degrade these public recreational uses. If the saltwater sandy-bottom swimming facility is replaced, a pool or similar recreational swimming and wading water facility of at least equivalent size, including equivalent water surface area, designed for use by people of all ages and swimming ability, shall be provided at Seaside Lagoon Regional Park. Swimming or wading in harbor or ocean waters shall not meet this requirement, and such replacement facility shall be maintained and operated in full compliance with all applicable state sanitary, public safety and environmental health laws and regulations, and shall not be open to the harbor waters. The launch point and access for human-powered watercraft, such as stand up paddle (SUP) boards and kayaks shall be fully preserved or expanded, preferably in the vicinity of Seaside Lagoon Regional Park, otherwise at Mole C, Mole D, Basin I, Basin II, or Basin III. Directional public access signage within the King Harbor-Pier area shall identify Seaside Lagoon Regional Park and the human-powered launch point as open for public use.

**Section 4. Amendment of Redondo Beach Municipal Code Section 10-5.811 (“Additional land use regulations: CC coastal commercial zones”), part of Title 10 (“Planning and Zoning”), Chapter 5 (“Coastal Land Use Plan Implementing Ordinance”), Article 2 (“Zoning Districts”), Division 3 (“C-2, C-3, C-4, C-5A, and CC Commercial Zones”).**

Redondo Beach Municipal Code section 10-5.811 is amended by adding new subdivisions (f), (g), (h), (i), and (j), as follows (the added new text is underlined):

- (a) Offices.

(1) CC-1 zone. Offices are prohibited on International Boardwalk and on the Pier, except that offices for the management and operation of on-site facilities may be permitted on the Pier above the ground floor.

(2) CC-3 and CC-4 zones. Offices shall be located above the ground floor, except that marine-related offices, visitor-serving offices, and offices for management and operation of on-site facilities may be permitted on the ground floor. Offices shall not be the primary use within a master leasehold area or on sites that are not master leasehold areas.

(b) Hotels. Limited use overnight visitor accommodations (such as timeshares, condominium hotels, and fractional ownership hotels) shall be subject to conditions as determined through the Conditional Use Permit process and to the following requirements to ensure that the hotels are a visitor-serving use and that a broad range of visitor accommodations including lower cost accommodations is available in the coastal zone.

(1) Any hotel rooms for which a certificate of occupancy has been issued at the effective date of adoption of the ordinance codified in this section shall not be permitted to be converted to a limited use overnight visitor accommodation.

(2) Limited use overnight visitor accommodations shall be limited to no more than twenty-five (25%) percent of total new guestrooms (units) developed within a master leasehold area or on sites that are not master leasehold areas. All other guestrooms (units) shall be available to the general public on a daily, year-round basis.

(3) Fractional ownership hotel. Fractional ownership hotels may be permitted in the CC-2, CC-3, and CC-4 coastal commercial zones, except on State tidelands, and shall be conditioned as follows:

a. A minimum of twenty-five (25%) percent of the total number of guestrooms (units) within the fractional ownership hotel facility shall be available to the general public as traditional use hotel rooms year-round. A maximum of seventy-five (75%) percent of the total number of units within the facility may be owned by separate individual entities on a fractional time basis. Fractional interests sold shall not exceed three (3) month (quarterly) intervals within any one-year period.

b. The hotel owner/operator shall retain control and ownership of all structures, recreational amenities, meeting space, restaurants, "back of house" and other non-guest facilities.

c. The facility shall have an on-site hotel operator to manage rental of all guestrooms/units.

d. The non-fractional use guestrooms (units) shall be available to the general public on a daily, year-round basis.

e. The hotel operator shall manage all guestrooms/units as part of the hotel inventory, which management shall include the booking of reservations, mandatory front desk check-in and check-out, maintenance, cleaning services and preparing units for use by guests and owners.

f. When an individual owner chooses not to occupy his/her unit, that unit shall be added to the pool of hotel rooms available to the general public.

g. Fractional time owners shall have limited rights to use their units including a maximum use of ninety (90) days per calendar year with a maximum of thirty (30) consecutive days of use during any sixty (60) day period and a maximum of thirty (30) days during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day).

h. The hotel operator shall maintain record of usage by owners and renters and rates charged for all units, and shall be responsible for reporting transient occupancy taxes based on record of use for all units, a service for which the hotel operator may charge the unit owner a reasonable fee.

i. No portion of the fractional ownership hotel (neither fractional units nor traditional hotel units) may be converted to full time occupancy condominium or any other type of limited use overnight visitor accommodations or other project that differs from the approved hotel units.

j. When an owner of a fractional interest in a unit chooses not to occupy his or her unit for any portion of the time allotted to him or her, that unit shall be available to the general public on the same basis as the traditional hotel units.

k. The hotel owner/operator shall be required to submit, prior to issuance of a coastal development permit, for the review and approval of the Waterfront and Economic Development Director, a Declaration/CC&Rs (Covenants, Conditions and Restrictions), either of which shall include:

1. All the specific restrictions listed in subsections (b)(3)(a) through (k) of this section;

2. Acknowledgement that these same restrictions are independently imposed as condition requirements of the coastal development permit;

3. A statement that provisions of the Declaration/CC&Rs that reflect the requirements of subsections (b)(3)(a) through (m) of this section cannot be changed without approval of an LCP amendment by the Coastal Commission and subsequent coastal development permit amendment. However, minor changes that do not conflict with subsections (b)(3)(a) through (m) of this section may be processed as an amendment to the coastal development permit, unless it is determined by the Waterfront and Economic Development Director that an amendment is not legally required. If there is a section of the Declaration/CC&Rs related to amendments, and the statement provided pursuant to this subsection is not in that section, then the section on amendments shall cross-reference this statement and clearly indicate that it controls over any contradictory statements in the section of the Declaration/CC&Rs on amendments.

4. The CC&Rs or Declaration of Restrictions described above shall be recorded against all individual property titles simultaneously with the recordation of the condominium airspace map.

I. The hotel owner/operator or any successor-in-interest hotel owner/operator shall maintain the legal ability to ensure compliance with the terms and conditions stated above at all times in perpetuity and shall be responsible in all respects for ensuring that all parties subject to these restrictions comply with the restrictions. Each owner of a fractional interest in a unit is jointly and severally liable with the hotel owner/operator for violations of the terms and conditions hereof imposed by the special conditions of the coastal development permit. Violations of the coastal development permit can result in penalties pursuant to Public Resources Code Section 30820.

m. All documents related to the marketing and sale of fractional interest units, including marketing materials, sales contracts, deeds, CC&Rs and similar documents, shall notify buyers of the following:

1. The owners of a fractional interest in a unit are jointly and severally liable with the hotel owner/operator for any violations of the terms and conditions hereof imposed by the coastal development permit.

2. The occupancy of the units is restricted to ninety (90) days per calendar year with a maximum of thirty (30) consecutive days of use during any sixty (60) day period and a maximum of thirty (30) days during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day), and when not in use by the owner, the unit shall be made available for rental by the hotel operator to the general public and that the coastal development permit contains additional restrictions on use and occupancy.

n. The hotel owner/operator and any successor-in-interest hotel owner/operator, and each future owner of a fractional interest in a unit shall obtain, prior to sale of a fractional interest, a written acknowledgement from the buyer that occupancy by the owner is limited to ninety (90) days per calendar year and a maximum of thirty (30) consecutive days of use during any sixty (60) day period and a maximum of thirty (30) days during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day), that the unit must be available for rental by the hotel operator to the general public when not occupied by the owner, and that there are further restrictions on use and occupancy in the coastal development permit and the CC&Rs or Declaration of Restrictions.

o. The hotel owner/operator and any successor-in-interest hotel owner/operator shall monitor and record hotel occupancy and use by the general public and the owners of a fractional interest in a unit throughout each year. The monitoring and recordkeeping shall include specific accounting of owner usage for each individual guestroom/unit. The records shall be sufficient to demonstrate compliance with restrictions set forth above in this section. The hotel owner/operator shall also maintain documentation of rates paid for hotel occupancy and of advertising and marketing efforts. All such records shall be maintained for ten (10) years and shall be made available to the City and to the Executive Director of the Coastal Commission upon request and to the auditor required by subsection p below. Within thirty (30) days of commencing hotel operations, the hotel owner/operator shall submit notice to the Waterfront and Economic Development Director and to the Executive Director of the California Coastal Commission of commencement of hotel operations.

p. Within ninety (90) days of the end of the first calendar year of hotel operations, and within ninety (90) days of the end of each succeeding calendar year, the hotel owner/operator shall retain an independent auditing company, approved by the Waterfront and Economic Development Director, to perform an audit to evaluate compliance with special conditions of the coastal development permit which are required by this section regarding notice, recordkeeping, and monitoring of the fractional



interest hotel. The audit shall evaluate compliance by the hotel owner/operator and owners of fractional interests in a unit during the prior calendar year period. The hotel owner/operator shall instruct the auditor to prepare a report identifying the auditor's findings, conclusions and evidence relied upon, and such report shall be submitted to the Waterfront and Economic Development Director, for review and approval, and shall be available to the Executive Director of the Coastal Commission upon request, within six (6) months after the conclusion of each one-year period of hotel operations. After the initial five (5) calendar years, the one-year audit period may be extended to two (2) years upon written approval of the Waterfront and Economic Development Director. The Waterfront and Economic Development Director may grant such approval if each of the previous audits revealed compliance with all restrictions imposed above.

(4) Condominium-hotel. Condominium-hotels may be permitted in the CC-2, CC-3, and CC-4 coastal commercial zones, except on state tidelands, and shall be conditioned as follows:

a. The hotel owner/operator shall retain control and ownership of all structures, recreational amenities, meeting space, restaurants, "back of house" and other non-guest facilities.

b. The facility shall have an on-site hotel operator to manage rental of all guestrooms/units. Whenever any individually owned hotel unit is not occupied by its owner(s), that unit shall be available for hotel rental by the general public on the same basis as a traditional hotel room.

c. The hotel operator shall market and advertise all rooms to the general public. Unit owners may also independently market and advertise their units but all bookings of reservations shall be made by and through the hotel operator.

d. The hotel operator shall manage all guestrooms/units as part of the hotel inventory, which management shall include the booking of reservations, mandatory front desk check-in and check-out, maintenance, cleaning services and preparing units for use by guests and owners, a service for which the hotel operator may charge the unit owner a reasonable fee.

e. If the hotel operator is not serving as the rental agent for an individually owned unit, then the hotel operator shall nevertheless have the right, working through the individually owned units' owners or their designated agents, to book any unoccupied room to fulfill demand, at a rate similar to comparable accommodations

in the hotel. The owner or an owner's rental agent may not withhold units from use. In all circumstances, the hotel operator shall have full access to the condominiums' reservation and booking schedule so that the operator can fulfill its booking and management obligations hereunder.

f. All guestroom/unit keys shall be electronic and created by the hotel operator upon each new occupancy to control the use of the individually owned units.

g. Unit owners shall not discourage rental of their unit or create disincentives meant to discourage rental of their unit.

h. All individually owned hotel units shall be rented a rate similar to that charged by the hotel operator for the traditional hotel rooms of a similar class or amenity level.

i. The hotel operator shall maintain record of usage by owners and renters and rates charged for all units, and shall be responsible for reporting transient occupancy taxes based on records of use for all units, a service for which the hotel operator may charge the unit owner a reasonable fee.

j. Each individually owned hotel unit shall be used by its owner(s) (no matter how many owners there are) for not more than ninety (90) days per calendar year with a maximum of thirty (30) consecutive days of use during any sixty (60) day period and a maximum of thirty (30) days during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day).

k. The use period limitations identified in subsection j above, shall be unaffected by multiple owners or the sale of a unit to a new owner during the calendar year, meaning that all such owners of any given unit shall be collectively subject to the use restriction as if they were a single, continuous owner.

l. No portion of the condominium-hotel may be converted to full-time occupancy condominium or any other type of limited use overnight visitor accommodations or other project that differs from the approved condominium-hotel.

m. The hotel owner/operator shall be required to submit, prior to the issuance of a coastal development permit, for the review and approval of the

Waterfront and Economic Development Director, a Declaration of Restrictions or CC&Rs (Covenants, Conditions and Restrictions), either of which shall include:

1. All the specific restrictions listed in subsections (b)(4)(a) through (l) above;
2. Acknowledgement that these same restrictions are independently imposed as condition requirements of the coastal development permit;
3. A statement that provisions of the Declaration/CC&Rs that reflect the requirements of subsections (b)(4)(a) through (m) of this section cannot be changed without approval of an LCP amendment by the Coastal Commission and subsequent coastal development permit amendment. However, minor changes that do not conflict with subsections (b)(4)(a) through (l) of this section may be processed as an amendment to the coastal development permit, unless it is determined by the Waterfront and Economic Development Director that an amendment is not legally required. If there is a section of the Declaration/CC&Rs related to amendments, and the statement provided pursuant to this paragraph is not in that section, then the section on amendments shall cross-reference this statement and clearly indicate that it controls over any contradictory statements in the section of the Declaration/CC&Rs on amendments.

n. The CC&Rs or Declaration of Restrictions described above shall be recorded against all individual property titles simultaneously with the recordation of the condominium airspace map.

o. The provisions of the CC&Rs or Declaration of Restrictions described above shall not be changed without approval of an amendment to the LCP by the Coastal Commission. However minor changes that do not conflict with subsections (b)(4)(a) through (n) of this section may be processed as an amendment to the coastal development permit, unless it is determined by the Waterfront and Economic Development Director that an amendment is not legally required.

p. The hotel owner/operator or any successor-in-interest hotel owner/operator shall maintain the legal ability to ensure compliance with the terms and conditions stated above at all times in perpetuity and shall be responsible in all respects for ensuring that all parties subject to these restrictions comply with these restrictions. Each owner of an individual guest room/condominium unit is jointly and severally liable with the hotel owner-operator for any and all violations of the terms and conditions

imposed by the special conditions of the coastal development permit with respect to the use of that owner's unit. Violations of the coastal development permit can result in penalties pursuant to Public Resource Code Section 30820.

q. All documents related to the marketing and sale of the condominium interests, including marketing materials, sales contracts, deeds, CC&Rs and similar documents, shall notify buyers of the following:

1. Each owner of any individual hotel unit is jointly and severally liable with the hotel owner-operator for any violations of the terms and conditions of the coastal development permit with respect to the use of that owner's unit; and

2. The occupancy of the units by owner(s) is restricted to ninety (90) days per calendar year with a maximum of thirty (30) consecutive days of use during any sixty (60) day period and a maximum of thirty (30) days during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day), and when not in use by the owner, the unit shall be made available for rental by the hotel operator to the general public per the terms of the coastal development permit and that the coastal development permit contains additional restrictions on use and occupancy.

r. The hotel owner/operator and any successor-in-interest hotel owner and operator, and each future individual unit owner shall obtain, prior to sale of individual units, a written acknowledgement from the buyer that occupancy by the owner is limited to ninety (90) days per calendar year with a maximum of thirty (30) consecutive days of use during any sixty (60) day period and a maximum of thirty (30) days during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day), that the unit must be available for rental by the hotel operator to the general public when not occupied by the owner, and that there are further restrictions on use and occupancy in the coastal development permit and the CC&Rs or Declaration of Restrictions.

s. The hotel owner/operator and any successor-in-interest hotel owner/operator shall monitor and record hotel occupancy and use by the general public and the owners of a fractional interest in a unit throughout each year. The monitoring and recordkeeping shall include specific accounting of owner usage for each individual guestroom/unit. The records shall be sufficient to demonstrate compliance with the restrictions set forth above in this section. The hotel owner/operator shall also maintain

documentation of rates paid for hotel occupancy and of advertising and marketing efforts. All such records shall be maintained for ten (10) years and shall be made available to the City, and to the Executive Director of the Coastal Commission upon request and to the auditor required by subsection t below. Within thirty (30) days of commencing hotel operations, the hotel owner/operator shall submit notice to the Waterfront and Economic Development Director and to the Executive Director of the California Coastal Commission of commencement of hotel operations.

t. Within ninety (90) days of the end of the first calendar year of hotel operations, and within ninety (90) days of the end of each succeeding calendar year, the hotel owner-operator shall retain an independent auditing company, approved by the Waterfront and Economic Development Director, to perform an audit to evaluate compliance with special conditions of the coastal development permit which are required by this section regarding occupancy restrictions, notice, recordkeeping, and monitoring of the condominium-hotel. The audit shall evaluate compliance by the hotel owner/operator and owners of individual hotel units during the prior one-year period. The hotel owner/operator shall instruct the auditor to prepare a report identifying the auditor's findings, conclusions and the evidence relied upon, and such report shall be submitted to the Waterfront and Economic Development Director, for review and approval, and shall be available to the Executive Director of the Coastal Commission upon request, within six (6) months after the conclusion of each one-year period of hotel operations. After the initial five (5) calendar years, the one-year audit period may be extended to two (2) years upon written approval of the Waterfront and Economic Development Director. The Waterfront and Economic Development Director may grant such approval if each of the previous audits revealed compliance with all restrictions imposed above.

u. A coastal development permit application for a condominium-hotel shall include a plan specifying how the requirements outlined in this section will be implemented. The plan must include, at a minimum, the form of the sale, deed and CC&Rs/Declaration of Restrictions that will be used to satisfy the requirements and the form of the rental program agreement to be entered into between the individual unit owners and the hotel owner/operator. The plan must demonstrate that the applicant will establish mechanisms that provide the hotel operator and any successor-in-interest hotel operator adequate legal authority to implement the requirements of this section. An acceptable plan meeting these requirements shall be incorporated into the special conditions of approval of any coastal development permit for a condominium-hotel. Any proposed changes to the approved plan and subsequent

documents pertaining to compliance with and enforcement of the terms and conditions required by this section including deeds and CC&Rs/Declaration of Restrictions shall not occur without an amendment to the coastal development permit, unless it is determined by the Waterfront and Economic Development Director that an amendment is not legally required.

(5) Timeshares. Timeshares may be permitted in the CC-2, CC-3 and CC-4 coastal commercial zones, except on state tidelands, and shall be conditioned as follows:

a. Management of the timeshare facility shall ensure that at least twenty-five (25%) percent of the units within any given facility shall be made available each day for transient overnight accommodations during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day).

b. The timeshare facility shall operate as a hotel including requirements for a centralized reservations system, check-in services, advertising, security, and daily housecleaning.

c. No person shall occupy any unit or units within a given facility for more than sixty (60) days per calendar year and no more than thirty (30) days during the summer season (beginning the day before the Memorial Day weekend and ending the day after Labor Day).

(6) Prior to issuance of a coastal development permit for any type of hotel facility, the landowner(s) of the property(ies) or hotel owner on a leasehold upon which the existing and/or approved traditional hotel units/rooms (i.e., transient hotel rooms) are or will be developed shall execute and record a deed restriction(s), subject to the review and approval of the Waterfront and Economic Development Director and the Executive Director of the Coastal Commission, which prohibits the conversion of traditional hotel units/rooms to any other type of ownership (e.g., limited use overnight visitor accommodations). The deed restriction(s) shall run with the land, shall be executed and consented to by the existing lessee(s) of the affected property(ies) and shall be binding on the landowner(s), lessee(s), and on all successors and assigns of the landowner(s) and lessee(s), including without limitation any future lienholders. The deed restriction(s) shall not be removed or changed without approval of an amendment to the LCP by the Coastal Commission and to the underlying coastal development permit.

(7) If the hotel owner and the hotel operator at any point become separate entities, the hotel owner and the hotel operator shall be jointly and severally responsible for ensuring compliance with the requirements identified above. If the hotel owner and hotel operator become separate entities, they shall be jointly and severally liable for violations of the terms and conditions (restrictions) identified above.

(8) In Lieu Fee Required. Lower cost visitor accommodations shall be protected, encouraged, and where feasible provided. In the coastal zone when demolition of existing lower cost overnight visitor accommodations or when hotels or limited use overnight visitor accommodations are proposed that include high-cost overnight visitor accommodations, an in-lieu fee in an amount necessary to off-set the lack of the preferred lower cost facilities in Redondo Beach shall be imposed. The fee shall be \$30,000.00 per room that mitigation is required for, and the fee shall be adjusted annually to account for inflation according to increases in the Consumer Price Index U.S. City Average. If as a part of a proposed development all units for which an in-lieu fee would be required are replaced by lower cost overnight visitor accommodations within the coastal zone of Redondo Beach, the in-lieu fee shall be waived.

An in-lieu fee shall be required for new development of overnight visitor accommodations in the coastal zone that are not low or moderate cost facilities. These in-lieu fee(s) shall be required as a condition of approval of a coastal development permit, in order to provide significant funding to support the establishment of lower cost overnight visitor accommodations within the coastal area of Los Angeles County, and preferably within the City of Redondo Beach's coastal zone. The fee shall apply to twenty-five (25%) percent of the total number of proposed units that are high-cost overnight visitor accommodations or limited use overnight visitor accommodations.

When referring to any overnight visitor accommodations, lower cost facilities shall be defined as any facility with room rates that are below seventy-five (75%) percent of the statewide average room rate, and higher cost facilities shall be defined as any facility with room rates that are 125% percent above the statewide average room rate. Statewide average room rates can be calculated by the Smith Travel Research website ([www.visitcalifornia.com](http://www.visitcalifornia.com)) or other analogous method used to arrive at an average statewide room rate value.

An in-lieu fee shall be required for any demolition of existing lower cost overnight visitor accommodations, unless all those units are replaced by lower cost overnight visitor accommodations, in which case the in-lieu fee shall be waived. This in-

lieu fee shall be required as a condition of approval of a coastal development permit, in order to provide significant funding to support the establishment of lower cost overnight visitor accommodations within the coastal area of Los Angeles County, and preferably within the City of Redondo Beach's coastal zone. A per-unit fee for the total number of existing lower cost overnight units that are demolished and not replaced shall be required.

Where a proposed development includes both demolition of existing low cost overnight visitor accommodations and their replacement with high cost overnight visitor accommodations, the fee shall also apply to the twenty-five (25%) percent of the number of high cost rooms/units in excess of the number being lost.

Prior to issuance of the coastal development permit, and upon execution of an appropriate agreement between the City and the designated recipient that assures use of the in-lieu fee to assist in the creation of lower cost overnight visitor accommodations within the nearby coastal region, the applicant shall transfer the fee to the entity designated by the agreement.

(c) **Tidelands.** (Lands west of the mean high tide line as defined in the City's Tidelands Trust agreement, and other parcels so designated excluding those parcels removed by the State's 1971 amendment to the City's Tideland Trust Agreement.) Permitted uses shall be limited to those uses dedicated to public trust purposes consistent with state law. Office uses shall not be permitted except for the management and operation of on-site facilities.

(d) **Mole B.** The primary permitted uses on Mole B shall be for boating facilities (such as boating clubs, boating instruction, boat storage, Harbor Patrol, and similar support facilities); and parks and recreation and public open space. Other public uses supporting these primary uses may be permitted.

(e) **Water portion of leasehold areas.** Marinas and boating facilities in the water portion of the harbor area shall be subject to a Conditional Use Permit with all development standards determined by the decision-making body. Water areas shall not be included in calculations of floor area ratio.

(f) Harbor and Ocean View Protection. Any new development in the CC-1 Coastal Commercial and CC-3 Coastal Commercial zones shall preserve existing public harbor and ocean water views, as available on January 1, 2016, as follows:



(1) Along North Harbor Drive between Beryl Street and Pacific Avenue: a minimum of 40% of the ground level views of the harbor waters and the ocean shall be preserved.

(2) From Czuleger Park: a minimum of 60% of the ground level views of the harbor and a minimum of 60% of the views of the ocean shall be preserved. These views shall be surveyed, measured, determined and verified by selecting specific viewing points offering the broadest ocean and harbor views, at an elevation of five feet from the ground, in the following locations: along the easterly boundary of the park (Catalina Avenue); at the midpoint on a line segment running through the center of the park in an east-west direction; and in the plaza on the western boundary of the park.

(3) Proposed structures shall be accurately indicated as to footprint, height and rooflines by story poles with flags to delineate the height, bulk, and footprint of the proposed development.

a. The height of the story poles shall indicate the final height of the building. The top two feet of poles shall be painted red or orange to better identify the height of the proposed structure. Bright red or orange tape shall be strung between poles at the top of the painted area to aid visibility.

b. The coastal development permit (CDP) applicant shall submit to the city a written declaration by a licensed architect, engineer or surveyor, verifying and stating, under penalty of perjury, that the locations and heights of the poles and flaglines are true and accurate representations of the proposed structure.

c. The poles and flags shall be erected no later than 45 calendar days prior to the first LCP-mandated public hearing date on the CDP application, and shall be removed within seven calendar days after a final administrative decision on the CDP application has been made by the city or the Coastal Commission, as the case may be.

d. All story poles shall be erected safely and without putting the public at risk. If the story poles become unsafe at any time, they shall be immediately repaired or temporarily removed.

e. The story pole requirements may be waived by the Community Development Director where it is determined through onsite investigation, evaluation of topographic maps or photographic evidence, or by other means that there is no possibility that the proposed structure will result in any diminishment or obstruction

of any harbor, ocean or coastline view.

(g) Public Boat Launch Ramp. Construction of a public boat launch ramp, accessory parking and other accessory facilities shall be required as part of any project that proposes a net increase equal to or greater than 10,000 square feet of floor area within any Coastal Commercial zone in the King Harbor-Pier area.

(1) The public boat launch ramp shall be constructed and fully operational prior to the issuance of the first certificate of occupancy for any structure that is part of such project. The boat launch ramp shall have a minimum of two lanes, and shall provide for no less than thirty double-length boat trailer/vehicle parking spaces per lane, adjacent to the ramp or within 500 feet thereof. At least 10% but no more than 25% of the parking spaces shall have a length of at least 55 feet for vehicle and trailer, and no parking space shall have a length of less than 40 feet for vehicle and trailer. The boat launch ramp, the trailer/vehicle parking, and the vehicular access route(s) to the boat launch ramp shall meet current California Department of Boating and Waterways guidelines for the layout, design and construction of small craft boat launching facilities and AASHTO (American Association of State Highway and Transportation Officials) roadway design standards for turn radii and maneuverability of vehicle-boat combinations.

(2) The public boat launch ramp shall be sited and designed so as to avoid any net loss of boat slips, as available on January 1, 2016, and any other interference with or adverse impact on public access to or public use of other coastal-dependent recreational uses, and shall be at a safe distance from any human-powered watercraft launch point and swimming area. The ramp shall be designed to accommodate safe launch and recovery in harbor surge conditions, and shall not be sited in any location where waves topping the outer harbor breakwall may create safety hazards in launching or recovering a water vessel, or risks of damage to vessels, vehicles or trailers.

(3) Directional public access signage within the King Harbor-Pier area shall identify the boat launch ramp as open for public use.

(h) Limits on Certain New Off-street Parking Facilities.

(1) New off-street parking structures, whether proposed as stand-alone structures or as part of a building or larger structure designed for additional uses other

than parking, shall be prohibited in the CC-3 Coastal Commercial zone. The parking facility existing on the southeast boundary of the CC-3 Coastal Commercial zone may be refurbished or rebuilt, provided, however, that it shall not be expanded.

(2) Parking in the Coastal Commercial zones shall be designed to conveniently accommodate and prioritize peak summer demand of all coastal-dependent, water-oriented recreational uses in the King Harbor-Pier area. These uses shall not be subject to, or restricted by, valet parking, reservation systems, or offsite parking. Shared parking for coastal-dependent, water-oriented recreational uses and other uses shall not decrease or restrict parking for the coastal-dependent, water-oriented recreational uses. Where a project proposes any off-street parking facility for such shared parking, the city shall approve and implement specific binding and enforceable standards for effectively prioritizing parking for coastal-dependent, water-oriented recreational uses. Approval of such standards shall provide for compliance monitoring by the city.

(3) The city shall approve and implement reduced parking fees for frequent users of the harbor (e.g., issuance of annual parking passes) for coastal-dependent uses.

(i) Traffic Analysis and Circulation.

(1) Any project in the Coastal Commercial zones shall provide for a traffic analysis accounting for the unique, limiting circulation infrastructure and conditions in the area under peak weekend and weekday conditions. This analysis shall explicitly disclose and consider the impacts on traffic circulation of overflowing turn lane queues; turning traffic with no turn lanes/pockets; traffic loads on short road segments east of the Coastal Commercial zones; traffic loads on narrow roadways, including North Harbor Drive and new streets proposed seaward of North Harbor Drive; parking driveways and roadside parking spaces; boat trailer traffic; bus stops; bike and pedestrian traffic; bike traffic speeds on “sharrowed” lanes; and delivery and other heavy vehicle traffic.

(2) The existing public bike and pedestrian path through the CC-1 and CC-2 Commercial Zones connecting Torrance Boulevard with Harbor Drive/Pacific Avenue shall be maintained and may be improved. No new street or roadway for motorized traffic other than passage by ambulances, police vehicles and firetrucks may connect Torrance Boulevard with Harbor Drive/Pacific Avenue.

(j) Cumulative Development Cap; Inclusion of Parking Areas. Any area used for parking in parking structures, or in those portions of other structures that provide parking, shall be included in the computation of the LCP's cumulative development cap of no net increase of floor area in excess of 400,000 square feet for the Coastal Commercial zones, based on existing land use on April 22, 2008.

## **Section 5. Internal Consistency.**

It is the intent of the People of Redondo Beach that with the additions to the Zoning Ordinance for the Coastal Zone contained in this Act, the city's LCP constitutes an integrated, internally consistent and compatible statement of planning and zoning policies and regulations. It is the People's further intent that if and to the extent there is no exact or literal match between the Coastal Land Use Plan and the Zoning Ordinance for the Coastal Zone, as amended by this Act, the LCP and its provisions be read and construed in full harmony with each other. To the extent that any provision of the Redondo Beach Municipal Code not enacted as part of the Zoning Ordinance for the Coastal Zone (codified in chapter 5, title 10 of the Redondo Beach Municipal Code) conflicts with the Zoning Ordinance for the Coastal Zone, as amended by this Act, the Zoning Ordinance for the Coastal Zone, as amended by this Act, shall prevail.

## **Section 6. Repeal or Amendment.**

Any repeal of this Act or amendment of its provisions shall be subject to a vote of the People of Redondo Beach at either a general or a special municipal election. Any such election shall be conducted in compliance with all applicable provisions of the Redondo Beach City Charter.

## **Section 7. Judicial Enforcement.**

A. Any aggrieved person shall have the right to maintain an action for equitable relief to restrain any violation of this Act, or to enforce the duties imposed upon the city by this Act. This provision shall be in addition to any other rights to judicial review, actions or remedies available under state law, including without limitation, any rights to judicial review, actions or remedies available under the Coastal Act and the California Environmental Quality Act.

B. On a prima facie showing of a violation of this Act, preliminary equitable relief shall be issued to restrain any further violation of this Act. No bond shall be required for an action under this Act.

C. The proponents of the initiative containing this Act shall have the right to defend the initiative in the event of any legal challenge thereto.

**Section 8. Effective Date; Vested Rights.**

A. This Act shall be binding and effective as of the earliest date allowed by law. The popular vote on this Act shall be declared by the city council at its first public meeting following the canvass of the vote. Consistent with Elections Code section 9217, if a majority of the voters vote in favor of this Act, it shall be considered as adopted upon the date that the vote is declared by the city council. This Act shall go into effect ten (10) days after the vote is declared by the city council.

B. If a majority of the Redondo Beach voters vote in favor of this Act, its provisions shall apply to any project concerning which development rights have not vested as of the date the initiative petition that contains this Act was found to have qualified for placement on the ballot.

**Section 9. Competing Measures.**

If another measure on the same subject matter as the measure containing this Act appears on the same ballot, and a majority of the voters vote in favor of both measures but the measure containing this Act receives more votes than the other measure, this Act shall become valid, binding and adopted in its entirety, and the other measure shall be null and void in its entirety. If a majority of the voters vote in favor of both measures but the measure containing this Act receives less votes than the other measure, only those provisions of the other measure that are in direct and irreconcilable conflict with the provisions of this Act shall control, and all other provisions of this Act shall become valid, binding and adopted. The voters expressly declare this to be their intent, regardless of any contrary language in any other ballot measure.

**Section 10. Construction and Severability.**

A. This Act shall be liberally construed to achieve its purposes and objectives.

B. The additions to the Zoning Ordinance for the Coastal Zone contained in sections 3 and 4 of this Act shall be read and construed in harmony, and so as to conform with the city's Coastal Land Use Plan. This Act shall be interpreted so as to be consistent with all federal, state and local laws, rules and regulations. In the event any section, subsection, subdivision, clause, sentence, phrase or portion of this Act is found

unconstitutional or otherwise invalid by a court of competent jurisdiction, the remaining sections, subsections, subdivisions, clauses, sentences, phrases and portions shall remain in full force and effect, and to this end the provisions of this Act are severable; and the Redondo Beach voters declare their intent that they would have passed all sections, subsections, subdivisions, clauses, sentences, phrases and portions of this Act without the section, subsection, subdivision, clause, sentence, phrase or portion found unconstitutional or invalid.

C. If any section, subsection, subdivision, clause, sentence, phrase or portion of this Act is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, the Redondo Beach voters further declare their intent that the city council take the steps necessary to cure any inadequacy or deficiency found by the court in such manner as to accomplish the intent, purposes and objectives of this Act to the maximum legally feasible extent.