



# ZONING TEXT AMENDMENT NO. 25-001

SMOKE/TOBACCO SHOPS

February 11, 2025

# REQUEST

- Zoning Text Amendment (ZTA) No. 25-001:
- Amend four chapters of the HBZSO
- Smoke/Tobacco Shop Regulations
  - Define Smoke/Tobacco Shop
  - Prevent overconcentration of use
  - Reduce exposure to sensitive uses
- Chapter 212 - Delete duplicate text



# PURPOSE & BACKGROUND

- Cities and counties have passed additional policies to implement state laws and regulations regarding tobacco retailers
- Many jurisdictions restrict:
  - What retailers may sell
  - Where retailers may be located
  - Counter efforts to attract new (younger) customers
- HBZSO does not identify tobacco retailers (smoke/tobacco shops)
  - Permitted by right
  - City Council directed staff to draft standards to regulate these uses



# SMOKE/TOBACCO SHOPS

- Section 204.10 Use Classifications
  - Retail Sales amended to include the definition of smoke/tobacco shop
    - Identify use
    - Establish what may be sold under use classification
- Section 211.04 CO, CG, and CV Districts - Land Use Controls
  - Land use control table amended to identify where smoke/tobacco shops may be permitted



# SMOKE/TOBACCO SHOPS CONT.

- Section 230.54 Smoke/Tobacco Shops
  - Added standards to regulate newly defined Smoke/Tobacco Shops
  - Definitions
    - Lists items sold in shops
    - Defines youth-populated area
      - PreK-2 schools; child-care facilities, libraries; parks; youth centers
  - Location:
    - Limited to commercial zones; residential zones prohibited
      - Will continue to be allowed in zones where they are currently allowed
    - 500-foot separation from hospitals and youth-populated areas



# SMOKE/TOBACCO SHOPS CONT.

- Section 230.54 Smoke/Tobacco Shops
  - Site Standards
    - Signage to prohibit minors
    - Visible window area and interior lighting
    - Smoking prohibited on premises
  - Nonconforming Shops
    - Permitted unless
      - changes use; cannot revert back
      - abandoned or discontinued for six months



The Sale of Tobacco Products to Persons Under 21 Years of Age Is Prohibited by Law and Subject to Penalties

To Report an Unlawful Tobacco Sale Call  
**1-800-5 ASK-4-ID**

**Valid Identification May Be Required**

Business and Professions Code Section 22952 21 U.S.C 387f(d)

This sign must be readable by the consumer and must not be altered, covered or obliterated in whole or in part



- Open camera or QR code reader on your smartphone.
- Hold your smartphone over QR Code so that it's clearly visible within camera screen.
- Look for the notification banner or tap to trigger code's action.

# RECOMMENDATION

- Staff recommends approval of Zoning Text Amendment No. 25-001 based on the following:
  - Consistent with General Plan goals and policies.
  - Cleans up the HBZSO to improve clarity;
  - It addresses community need to prevent the proliferation and cluster of smoke/tobacco retailers, especially near youth populated areas



# Questions?

