



# City of Huntington Beach

File #: 25-143

MEETING DATE: 3/18/2025

## REQUEST FOR CITY COUNCIL ACTION

**SUBMITTED TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Travis Hopkins, City Manager

**VIA:** Jennifer Villasenor, Director of Community Development

**PREPARED BY:** Joanna Cortez, Principal Planner

**Subject:**

**Approve Zoning Text Amendment No. 25-001 (Smoke/Tobacco Shop Regulations) by approving for the introduction of Ordinance Nos. 4331, 4332, 4333, and 4334**

**Statement of Issue:**

Transmitted for City Council's consideration is Zoning Text Amendment (ZTA) No. 25-001, a City Council initiated request to amend the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to introduce regulations for smoke/tobacco shops within the City. The request also includes an amendment to remove duplicate information within the zoning ordinance. The Planning Commission and staff recommend approval of the request.

**Financial Impact:**

Not Applicable

**Recommended Action:**

- A) Find Zoning Text Amendment No. 25-001 exempt from the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act because the request is a minor amendment to the zoning ordinance that does not change the development standards intensity or density; and,
- B) Approve Zoning Text Amendment No. 25-001 with findings (Attachment No. 1) and approve for introduction:
1. Ordinance No. 4331, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 204 Use Classifications of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 25-001)"; (Attachment No. 2)
  2. Ordinance No. 4334, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 211 C Commercial Districts of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 25-001)"; (Attachment No. 3)
  3. Ordinance No. 4333, "An Ordinance of the City Council of the City of Huntington Beach

Amending Chapter 212 I Industrial Districts of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 25-001)”; (Attachment No. 4)

4. Ordinance No. 4332, “An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 230 Site Standards of the Huntington Beach Zoning Code and Subdivision Ordinance (Zoning Text Amendment No. 25-001)”; (Attachment No. 5)

**Alternative Action(s):**

Do not approve, and direct staff accordingly.

**Analysis:**

**A. PROJECT PROPOSAL:**

ZTA No. 25-001 represents a request to amend and update certain sections of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to define and add regulations for smoke/tobacco shops within the City. In addition to the proposed regulations, this ZTA also includes an amendment, unrelated to smoke/tobacco shops, to remove duplicative text within the HBZSO.

**B. BACKGROUND:**

To reduce illegal sales of tobacco products to minors, California has passed policies to further regulate the sale of tobacco in the retail environment. Many jurisdictions have passed additional policies to implement state laws and regulations including restrictions on what retailers can and cannot sell and where retailers can be located in order to counter efforts to attract new (younger) customers. To prevent the proliferation and cluster of smoke or tobacco retailers, especially near youth populated areas, on September 3, 2024, the City Council directed staff (Attachment No. 6) to draft the necessary amendments to the HBZSO to define and add regulations for smoke/tobacco shops within the City.

**C. PLANNING COMMISSION MEETING AND RECOMMENDATION:**

On February 11, 2025, the Planning Commission held a public hearing on the ZTA. There was one speaker/comment in support of the item (Attachment No. 8). The Planning Commission recommended approval of the request to the City Council with the following modifications:

- Chapter 211: The new provision letter in the land use table was amended from letter “P” to letter “DD”
- Chapter 230: The minimum distance requirement from smoke/tobacco shops to youth-populated areas and between smoke/tobacco shops was modified from 500 feet to 1,000 feet.

*Planning Commission Action on February 11, 2025:*

A motion was made by Thienes, seconded by Goldberg, to recommend to the City Council approval of ZTA No. 25-001 carried by the following vote:

AYES:	Thienes, Goldberg, Pellman, Wood, Bush, Babineau, McGee
NOES:	None
ABSTAIN:	None
ABSENT:	None

**MOTION PASSED**

D. **STAFF ANALYSIS:**

The February 11, 2025, Planning Commission staff report provides a more detailed description and analysis of the proposed ZTA (Attachment No. 7). In summary, staff and the Planning Commission recommend approval of ZTA No. 25-001 based on the following reasons:

1. It addresses a community need to prevent the proliferation and cluster of smoke/tobacco retailers, especially near youth-populated areas;
2. Cleans up the HBZSO to improve clarity; and
3. Is consistent with General Plan goals and policies.

**Environmental Status:**

ZTA No. 25-001 is categorically exempt pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act because the request is a minor amendment to the zoning ordinance that does not change the development standards intensity or density

**Strategic Plan Goal:**

Non Applicable - Administrative Item

**Attachment(s):**

1. Suggested Findings of Approval - ZTA 25-001
2. HBZSO Chapter 204 (Use Classifications) Draft Ordinance No. 4331 and Legislative Draft
3. HBZSO Chapter 211 (C Commercial Districts) Draft Ordinance No. 4334 and Legislative Draft
4. HBZSO Chapter 212 (I Industrial Districts) Draft Ordinance No. 4333 and Legislative Draft
5. HBZSO Chapter 230 (Site Standards) Draft Ordinance No. 4332
6. City Council H-Item dated September 3, 2024
7. February 11, 2025, Planning Commission Staff Report
8. Supplemental Communication received and dated February 10, 2025
9. PowerPoint Presentation