

# **EXHIBIT I**

## **PowerPoint Presentation**

# CONSIDERATION OF

Text Amendment Application No. P23-03410  
and related  
Environmental Assessment No. P23-03410

PRESENTATION BY: PHILLIP SIEGRIST, PLANNING MANAGER

# Smoke Shop Text Amendment

## Overview of current Section 15-2761 of the FMC

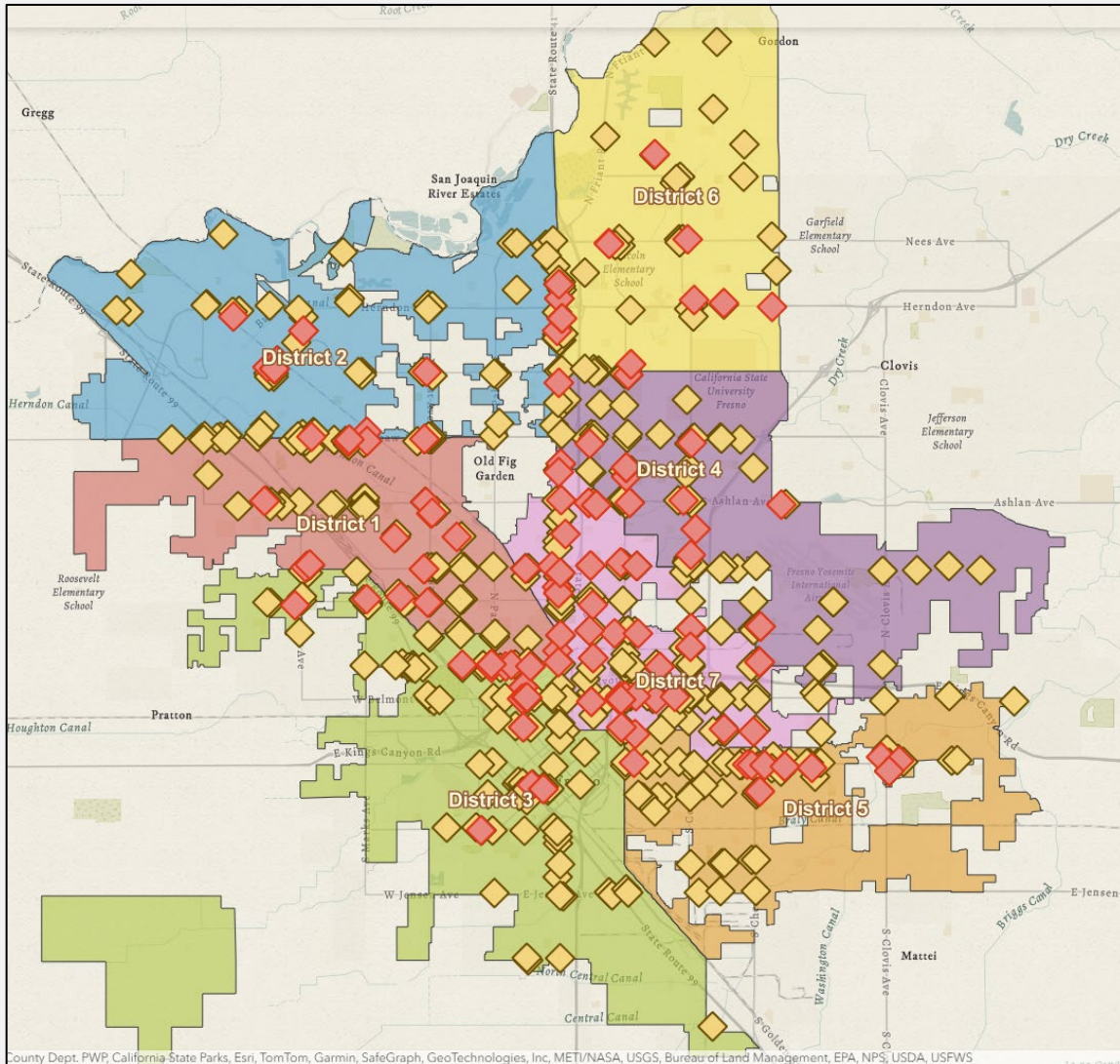
- Retail establishments which sell tobacco and vapor products are subject to regulations of **Section 15-2706**
- Provides regulations for Tobacco & Vapor Sales
  - Only provides restrictions for signage when establishments are near sensitive uses
    - May not advertise smoking sales or paraphernalia visible from outside the establishment when w/in 400 feet of:
      1. School
      2. Day care
      3. Youth sensitive places (e.g. boys and girls club, youth activity centers)

# Smoke Shop Text Amendment

## Summary of Proposal

- 1) Adds terms and definitions to Section 15-6208 (Definitions) of FMC
  - 1) **Tobacco Retailer** - incidental sale of Smoke and Vapor Products, such as supermarkets and convenience stores
  - 2) **Tobacco Product** - product containing, made, or derived from tobacco or nicotine intended for human consumption
  - 3) **Smoking Paraphernalia** - any device, substance, or accessory intended for smoking tobacco, cannabis, vaping or electronic cigarette, illicit drug use, or any other substance
  - 4) **Smoke and Vapor Product** - includes Tobacco Products and Smoking Paraphernalia
  - 5) **Smoke Shop** - primarily sells Smoke and Vapor Products. Does not include Tobacco Retailers, cigar lounges, or establishments operating as Cannabis Retail and/or Commercial Cannabis Businesses
  - 6) **Smoke Shop Operator** - persons who own/operate a Smoke Shop
- 2) Replace existing regulations for Tobacco and Vapor Sales in Section 15-2761 of the FMC
  - 1) Establish regulations relating to New and Existing Smoke Shops
  - 2) Amortize existing Smoke Shop establishments by allowing up to seven (7) establishments per City Council District

# Smoke Shop Text Amendment



## Total Retailers: 564

- 34% near schools (192 of 564)
- 84% near other retailers (472 of 564)
- 15% Smoke Shops (82 of 564)

# Smoke Shop Text Amendment

## Summary of Proposal Changes to Section 15-2706:

1. **Permitting:** Requires New Smoke Shops to obtain a Conditional Use Permit (CUP) and a Business License
2. **Amortization of Existing Smoke Shops:**
  - a. Gives up to 18 months to change the nature business or wind down and close operations; or
  - b. May apply for a Conditional Use Permit alongside New Smoke Shops
3. **Numerical Limit on Smoke Shops:**
  - a. 7 per Council District
  - b. 49 citywide
4. **Public Notice of Available Permits:**
  - a. City to provide notice to public on availability of Smoke Shop CUPs
5. **Location Restrictions**
  - a. Not located w/in 1,000 feet of:
    - i. Sensitive Use
    - ii. Other Smoke Shops
  - b. Concentration – No more than 7 per Council District

# Smoke Shop Text Amendment

## Summary of Proposal Changes to Section 15-2706: cont'd

### 1. **Operational Requirements:**

- a. Maintain landscaping and lighting per code requirements
- b. Litter & graffiti abatement
- c. Internal & external vending machines prohibited
- d. Video surveillance
- e. Signage
- f. Window glazing – 50% of street facing façade to remain clear w/ no tinted material
- g. Loitering and nuisance Activities
- h. Training
- i. Prohibited products
- j. Hours of Operation – 8:00am – 10:00pm
- k. Non-Operating Rule – if use discontinued for more than 1 year, new CUP required

### 2. **Annual Inspections**

### 3. **Fines** - \$2,500 (sales to minor); \$1,000 (external advertising)

# PUBLIC NOTICE & INPUT

- Reviewed by all active Council District Project Review Committees
- **December 26, 2024 and January 29, 2025:** Notice of Public Hearing published and posted online
- **January 15, 2025:** Considered by Planning Commission – continued
- **January 23, 2025:** Smoke Shop Industry Meeting
- **February 19, 2025:** Considered by Planning Commission for recommendation to Council



# STAFF RECOMMENDATION

Staff recommends that the City Council take the following actions:

**Adopt** a finding set forth in Environmental Assessment No. P23-03410 dated January 15, 2025, that Text Amendment Application No. P23-03410 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**Approve** Text Amendment Application No. P23-03410, to amend Sections 15-2761 and 15-6802 of the Citywide Development Code, relating to Tobacco and Vapor Sales, Smoke Shops, and Definitions.