

Tobacco Retail (Smoke Shops)

PC-2025-01190 (Zoning Text Amendment)

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Commission

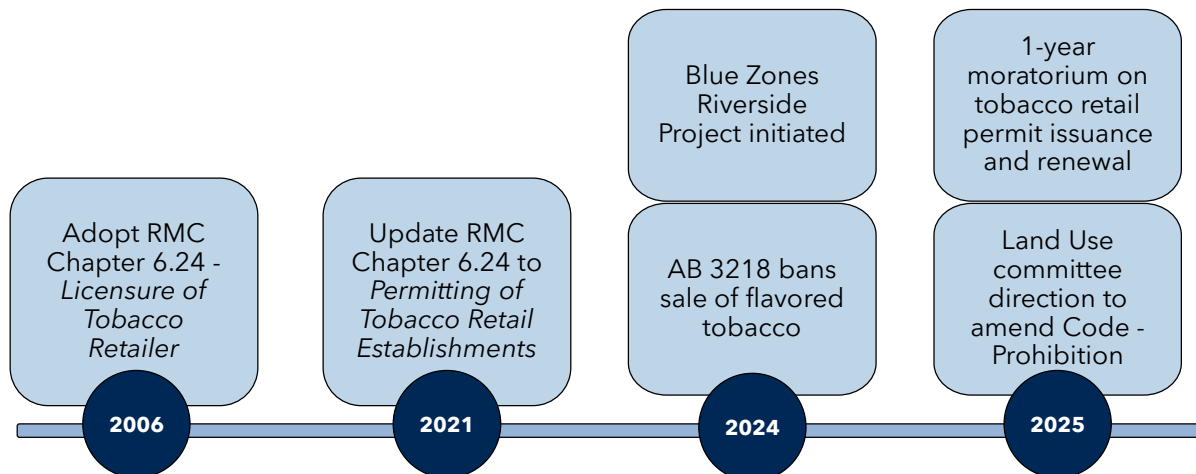
Agenda Item: 3

February 12, 2026

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BACKGROUND



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BACKGROUND

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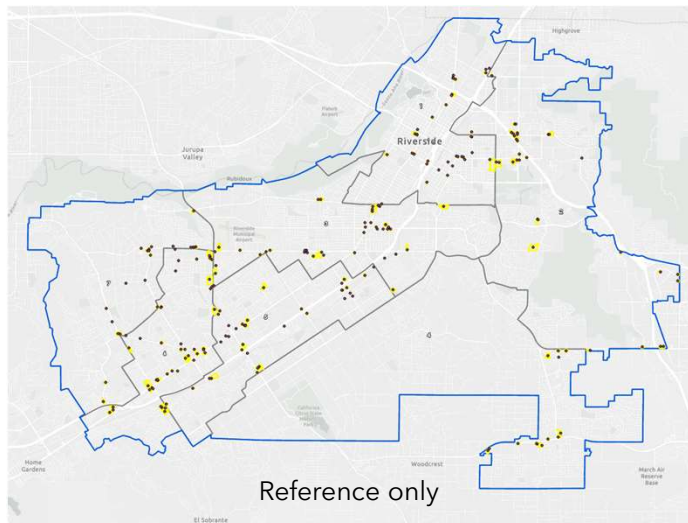
Known locations with active tobacco retail use

181

Locations verified by RPD to be operating in compliance

28

Meet definition of Smoke Shop per Zoning Code



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RMC CHAPTER 6.24

Tobacco Retail Establishment Permit

- Required for all tobacco retailers
- Nontransferable
- Renewed every 2 years
- Must obey all applicable local, state, and federal laws
- No sales between the hours of 2:00am and 6:00am
- Permits may be revoked if violation is determined
- Operators without necessary permits are subject to closure of the facility



Image source: pa-tobacomerchants.org

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RMC TITLE 19 – ZONING CODE

Tobacco retail considered “retail sales”

- Retail sales permitted all commercial and mixed-use zones
- No operating standards, site standards, or land use permits specific to tobacco retail



RMC Smoke Shop Definition:

A business with sales of tobacco, either loose or prepared as cigarettes and products for the smoking of tobacco constituting more than 30 percent of gross sales and/or 30 percent of net lease area

RMC Retail Sales Definition:

A commercial enterprise that provides goods and/or services directly to the consumer. Where such goods are normally available for immediate purchase and removal from the premises by the purchaser



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OPTION 1 – LUC RECOMMENDATION

Prohibit Smoke Shops Citywide

- Amend Permitted Uses Table to establish standalone tobacco retail as a prohibited use in all Zones
- Amend Incidental Uses Table to clarify that ancillary tobacco retail permitted with other uses (gas station, grocery, etc.)

OPTIONAL: Amortization

- Per LUC direction, three-year amortization period after which smoke shops must close
- Draft language includes provisions for hardship extensions and appeals



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OPTION 2 – ENHANCED REGULATIONS

- Amend Permitted Uses Table to identify Smoke Shops as a separately regulated use
- Allowed in all zones that permit retail
- Create new chapter specific to smoke shops requiring:
 - Minimum 100 feet from residential
 - Minimum 600 feet from schools, parks, day cares and places of worship
 - Minimum 1,000 feet from other smoke shops



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RECOMMENDATIONS

That the Planning Commission:

1. **Recommend** that the City Council determine that Planning Case PC-2025-01190 is exempt from further CEQA review pursuant to §15061(b)(3) (Common Sense), as it can be seen with certainty that approval will not have an effect on the environment;
2. **Recommend adoption** of one of two options to amend Title 19 to regulate standalone tobacco retail establishments (smoke shops); and
3. **Recommend approval** of Planning Case PC-2025-01190 (Zoning Text Amendment) as outlined in the staff report and summarized in the findings.



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REFERENCE SLIDE



BLUE ZONES PROJECT®

Strategy 1.1 Adopt comprehensive tobacco-free outdoor space policies, including signage.

Strategy 1.2 Adopt restrictions on smoking and vaping at outdoor bars and restaurants.

★ **Strategy 2.1** Limit the location of tobacco and vape retail outlets in proximity to youth-oriented places, such as schools and parks.

Strategy 2.2 Prohibit the sale of the flavored tobacco and nicotine products, including menthol products.

Strategy 3.1 Integrate tobacco treatment systems change within all types of healthcare settings, including behavioral health.

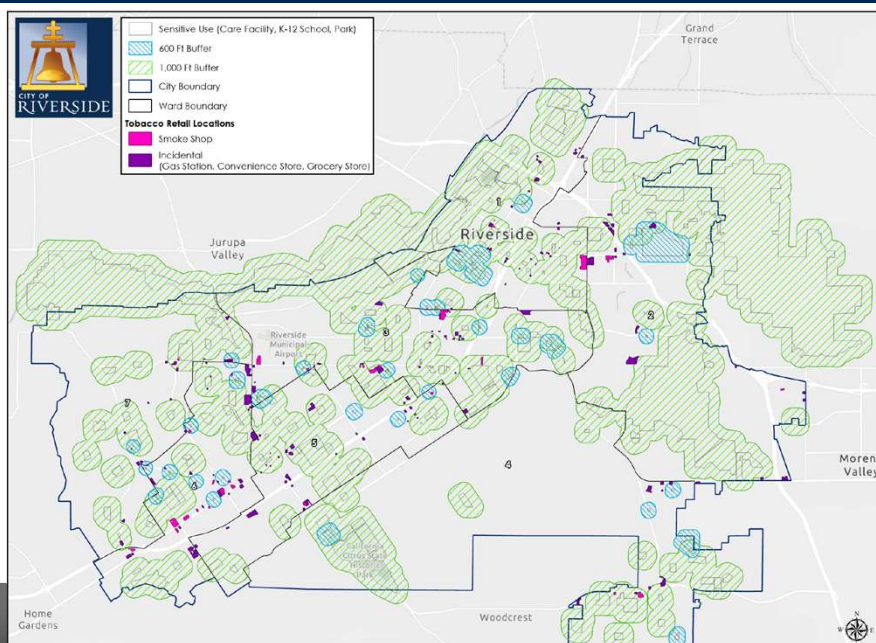
Strategy 3.2 Require retail outlets that sell tobacco and vape products to post graphic warning and cessation messages near tobacco-product displays and/or at the point of sale.



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REFERENCE SLIDE



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