

# Tobacco Retail (Smoke Shops)

PC-2025-01190 (Zoning Text Amendment)

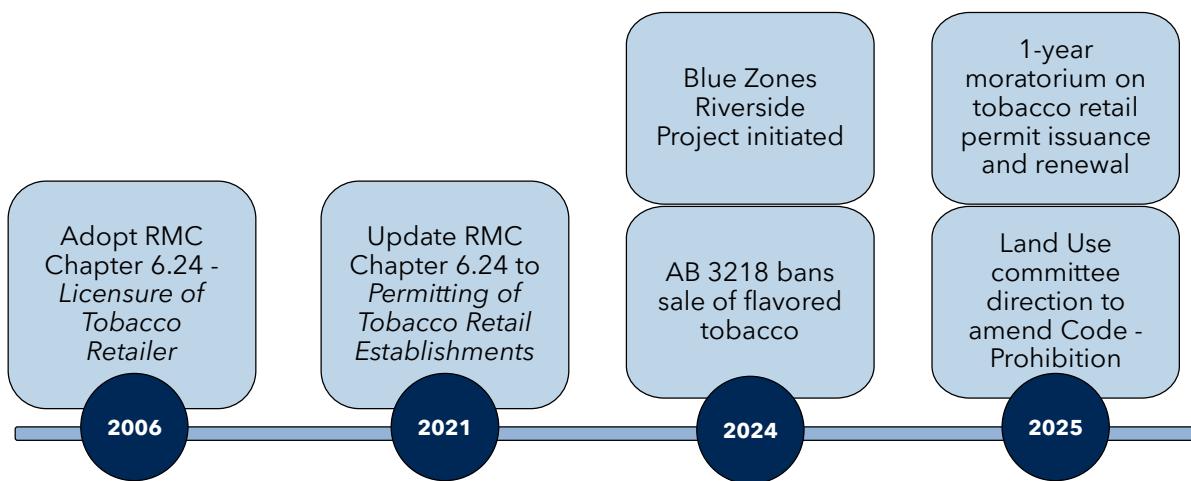
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Commission  
Agenda Item: 3  
February 12, 2026

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## BACKGROUND



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# BACKGROUND

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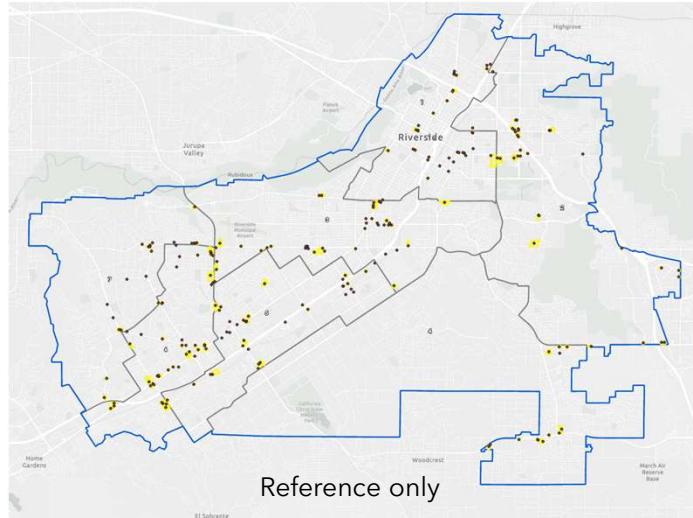
Known locations with active tobacco retail use

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-tobaccommerted.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



Image source: koronapos.com

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



Image source: New York Times

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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



Image source: Countertoools.org



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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 projects, including menthol products.

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

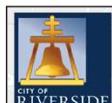
**Strategy 3.2** Require retail outlets that sell tobacco and vape products to post graphic warning and cessation messages near tobacco-product displays and/or at the point of sale.



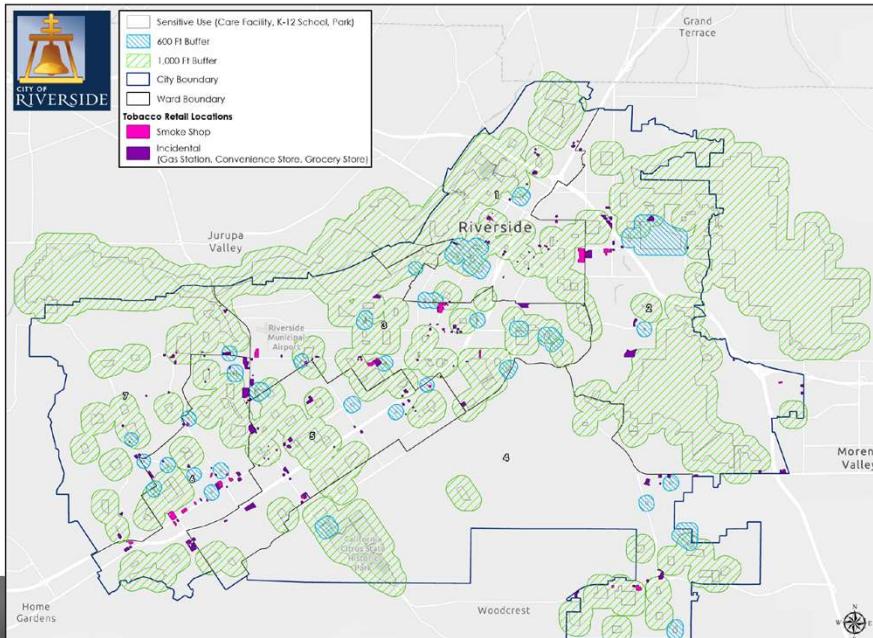
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# REFERENCE SLIDE



Sensitive Use (Care Facility, K-12 School, Park)  
 400 Ft Buffer  
 1,000 Ft Buffer  
 City Boundary  
 Ward Boundary  
 Ward Boundary  
 Tobacco Retail Locations  
 Smoke Shop  
 Incidental (Gas Station, Convenience Store, Grocery Store)



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