



PLANNING COMMISSION HEARING DATE: FEBRUARY 12, 2026
AGENDA ITEM NO.: 3

SUMMARY

Table with 2 columns: Field Name (Case Number, Request, Applicant, Project Location, Ward, Staff Planner) and Field Value (PC-2025-01190, Proposal by the City of Riverside..., City of Riverside..., Citywide, Citywide, Matthew Taylor, Principal Planner/Acting City Planner...)

RECOMMENDATIONS

That the Planning Commission:

- 1. Recommend that the City Council determine that Planning Case PC-2025-01190 is exempt from further California Environmental Quality Act (CEQA) review...
2. Recommend adoption of one of two options to amend Title 19 (Zoning) of the Riverside Municipal Code...
3. Recommend approval of the Planning Case PC-2025-01190 (Zoning Text Amendment) as outlined in the staff report...

BACKGROUND

Licensure of Tobacco Retailer regulations were first introduced into Title 6 of the Riverside Municipal Code in 2006 to promote compliance with federal, state, and local laws intended to regulate tobacco sale and use, discourage illegal purchase and use of tobacco products by minors, and protect the wellbeing of children. The chapter was last amended by the City Council in 2021 to implement changes in State Legislation.

On September 28, 2024, Assembly Bill 3218 was signed into law which requires the Attorney General to establish and maintain an Unflavored Tobacco List by December 31, 2025, and prohibits the sale of any tobacco product not listed. The bill also expanded the definition of tobacco products to include products with synthetic nicotine and nicotine analogs, making them subject to State Tobacco Retail Law.

On August 6, 2024, the City Council adopted a Resolution supporting the Blue Zones Certification initiative within the City of Riverside. Following stakeholder engagement and a Tobacco Policy Summit, Blue Zones published the Riverside Blueprint in May 2025. The Blueprint provides for certification criteria, including objectives, strategies, and measures to achieve its overarching goals regarding well-being, longevity and overall health, including policy objectives specifically related to tobacco use and exposure reduction.

Concerns have arisen regarding illegal activity and impacts on public health and safety associated with tobacco retail establishments. Illegal sales of illicit substances, increased calls for police service, and operations in excess of activity allowed under the valid permit have been observed in association with Smoke Shop presence. Violations investigated by RPD regarding the operation of permitted and unpermitted Smoke Shops include illegal sale of narcotics and paraphernalia, illegal sale of cannabis products, illegal sale of psilocybin mushroom products, illegal sale of nitrous oxide gas, and sale of illegal and/or untaxed tobacco products.

According to Riverside Police Department (RPD) Data from August 2025, there 226 known locations selling tobacco in the City of Riverside, of which 31 meet the definition of Smoke Shops per the Zoning Code. Eight of these are believed to be operating without the required Tobacco Retail Permit and may be subject to enforcement action.

On September 16, 2025 the City Council adopted an urgency ordinance establishing a 45-day moratorium on the issuance of new Tobacco Retail Establishment Permits within the City (Exhibit 1) to allow the City an opportunity to develop a comprehensive approach to address the negative impacts to public health, safety, and welfare from activities associated with smoke shops. On October 20, the Council adopted an urgency ordinance extending the moratorium for an additional 10 months and 15 days (Exhibit 2).

On December 8, 2025, staff presented several policy options to the City Council Land Use Committee (Exhibit 3). Following discussion, a majority of Committee Members directed staff to develop an ordinance prohibiting smoke shops Citywide to present to the Planning Commission for a recommendation before returning to the Committee for final review before proceeding to City Council for adoption (Exhibit 4).

PROPOSAL

The Zoning Code currently defines smoke shops as *“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.”* The Zoning

Code, however, does not include any requirements, procedures, or land use permits specific to smoke shops or tobacco retail. Rather, smoke shops are included under the umbrella definition of “retail sales,” meaning they are permitted by right in all commercial and mixed-use zones. The University Avenue Specific Plan (2003) prohibits the establishment of new smoke shops, as defined in the Zoning Code, in all subdistricts of the Specific Plan area; all other Specific Plans treat smoke shops as general retail sales uses.

Two options for proposed amendments to the Zoning Code pursuant the Committee's direction are summarized below.

OPTION 1 (LAND USE COMMITTEE RECOMMENDATION)

This option would amend Table 19.150.020.A (Base Zones Permitted Uses Table) to establish standalone tobacco retail establishments in all Zones, while adding incidental tobacco retail to 19.150.020.B (Incidental Uses Table) to clarify that tobacco retail is still permitted incidentally to other permitted uses, such as gas stations, convenience stores and grocery stores (Exhibit 5).

A new chapter, 19.405 (Tobacco Retail [Smoke Shop]), is created to establish a policy and procedures for amortization of existing smoke shops. This chapter would set an amortization period of three years from the effective date of an ordinance prohibiting smoke shops, during which time existing, legally established smoke shops could continue operating and renewing tobacco retail permits. At the conclusion of the amortization period, operations must conclude. This amendment would also provide a mechanism for extensions to the amortization deadline based on financial hardship.

It should be noted that, under this option, amendments to Table 19.150.020.A to prohibit new smoke shops can be adopted with or without the companion amortization provisions of the proposed 19.405. If only changes to permitted uses are adopted without the amortization provisions, then existing, legally established smoke shops would become legal nonconforming uses that could continue to exist and operate indefinitely pursuant to the Nonconformity provisions of Chapter 19.080.

OPTION 2

This option would establish new use-based regulations and location requirements for smoke shops without an outright prohibition (Exhibit 6). Table 19.150.020.A would be amended to identify standalone tobacco retail (smoke shops) as an individually regulated use (as opposed to a general retail use as under the current Code), permitted by right in all zones where retail uses are permitted, and subject to the permitting requirements of Chapter 6.24. A new chapter, 19.405 (Tobacco Retail [Smoke Shop]) would be created to establish specific location requirements for the siting of new smoke shops, modeled on existing location requirements that apply to off-sale of alcoholic beverages, including:

- Minimum 100 feet from a residential zone or use;
- Minimum 600 feet from a public park, K-12 school, childcare facility, or assembly of people – non-entertainment use; and

- Minimum 1,000 feet from another smoke shop.

Chapter 19.405 would also create operational requirements for smoke shops including minimum lighting and visibility for storefronts and parking areas, preparation of a security plan, and trespass authorization for the Police Department.

PUBLIC OUTREACH AND COMMENT

Direction to pursue policy changes was given at an open public meeting of the Land Use Committee on December 8, 2025, at which one comment in support was given by the Blue Zones Riverside Project. Notice was published in the Press Enterprise on January 20, 2026. At the time of writing this report, Staff has not received public comments regarding this project.

ENVIRONMENTAL REVIEW

The proposed amendments are exempt from additional California Environmental Quality Act (CEQA) review pursuant to Section 15061(b)(3) of the CEQA guidelines, as it can be seen with certainty that the proposed text amendments will not have an effect on the environment.

FINDINGS

Zoning Code Amendment Findings pursuant to Chapter 19.810.040:

- 1) The proposed Zoning Code Text Amendments are generally consistent with the goals, policies, and objectives of the General Plan;
- 2) The proposed Zoning Code Text Amendments will not adversely affect surrounding properties; and
- 3) The proposed Zoning Code Text Amendments will promote public health, safety, and general welfare and serves the goals and purposes of the Zoning Code.

APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

EXHIBITS LIST

1. Exhibit 1 – Moratorium Ordinance No. 7733
2. Exhibit 2 – Moratorium Extension Ordinance No. 7741
3. Exhibit 3 – Land Use Committee Report – December 8, 2025
4. Exhibit 4 – Draft Land Use Committee Minutes
5. Exhibit 5 – Draft Title 19 Redlines – Option 1
6. Exhibit 6 – Draft Title 19 Redlines – Option 2
7. Exhibit 7 - Presentation

Approved by: Brian Norton, Acting City Planner