



City of Arts & Innovation

Land Use Committee

TO: LAND USE COMMITTEE MEMBERS

DATE: NOVEMBER 10, 2025

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT
DEPARTMENT**

WARDS: ALL

SUBJECT: WORKSHOP – TOBACCO RETAIL REGULATIONS AND BEST PRACTICES

ISSUE:

Review and provide feedback on the existing tobacco retail regulations within Titles 6 and 19 of the Riverside Municipal Code (RMC).

RECOMMENDATIONS:

That the Land Use Committee:

1. Conduct a workshop on the existing Tobacco Retail Regulations within Titles 6 and 19 of the Riverside Municipal Code (RMC); and
2. Provide staff direction to maintain current code or explore any potential changes to policies or regulations.

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 amended by the City Council in 2021 to implement changes in State Legislation. Major changes included:

- Amending the age restriction for tobacco sales from 18 to 21 as mandated by State Law;
- Defining “Tobacco Retail Establishment Permit” as a certificate issued by the City of Riverside, rather than the Riverside County Health Department as previously practiced;
- Establish permitted hours to tobacco sales for all businesses that generate more than 60% of their gross annual sales from the sale of tobacco products; and
- Changes to procedural requirements for permit approval, revocation, and renewal.

There has been a growing concern 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, there 226 known locations selling tobacco in the City of Riverside:

- 159 have active Tobacco Retail Establishment Permits
 - 31 of the active Tobacco Retail Establishment Permits are for Smoke Shops as defined in the RMC.
- 42 businesses have expired Tobacco Retail Establishment Permits
 - 3 of the businesses with expired permits are Smoke Shops
- 20 locations are operating without a Tobacco Retail Establishment Permit
 - Six are in process of obtaining a permit
 - Eight of the businesses operating without a Permit are Smoke Shops
 - Five businesses operating without a permit have been previously denied a permit or have had their permit revoked. All five of these businesses are classified as Smoke Shops.

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. The Attorney General notes that without strict enforcement, noncompliant sellers provide easy access to flavored tobacco products, and the bill holds noncompliant sellers accountable.

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. Three Tobacco Policy objectives are provided for in the Blue Zones Blueprint for the City of Riverside:

1. Eliminate Exposure to Secondhand Smoke
2. Prevent Initiation of Tobacco Use Among Youth and Young Adults
3. Promote Quitting Tobacco Among Adults and Youth

On September 16, 2025 the City Council adopted an urgency ordinance establishing a moratorium on the issuance of new Tobacco Retail Establishment Permits within the City (Attachment 1) to allow the City an opportunity to consider various policy implications and develop a comprehensive approach to address the negative impacts to public health, safety, and welfare from activities associated with tobacco retail establishments, including smoke shops. At the time of adoption, the City Council directed staff to return to this committee with a workshop on the City's current land use regulations for smoke shops and policy options to either amend or retain the current Code.

DISCUSSION:

Health and Sanitation Regulations (RMC Title 6)

The RMC regulates smoking in public places, smoking regulations for multi-tenant residences, the prohibition of tobacco vending machines, and tobacco retail practices under Title 6 (Health and Sanitation). Any retailer selling tobacco and/or related items is required to obtain and maintain a valid Tobacco Retail Establishment Permit from RPD pursuant to Chapter 6.24 for the RMC (Attachment 2). Such permits are nontransferable between persons, businesses, and/or locations.

Whenever a tobacco retailing business has a change in proprietors or location, a new permit is required prior to engaging in tobacco retailing. The term for Tobacco Retail Establishment Permits is two years, and each retailer must apply for the renewal of the permit no later than 30 days prior to the expiration of the term.

To maintain a valid permit, permit holders must continually obey all local, state, and federal laws applicable to tobacco products, tobacco paraphernalia, tobacco retailing, as well as exterior, storefront, window and/or door signage. Each permit must be prominently displayed in a publicly-visible location at the permitted retail site. No sales of tobacco products or paraphernalia may occur between the hours of 2:00am and 6:00am. Businesses that generate fewer than 60% of their gross revenues annually from the sale of tobacco products or paraphernalia are exempt from this time restriction.

Violators who operate without the necessary permit or license are subject to the closure of the tobacco retail facility. Any Tobacco Retail Establishment Permit may be revoked or suspended by the Chief of Police upon determination of any violation of local or state law. If the permit holder files a request for a hearing with the Administrative Hearing Officer to review the revocation, the revocation would be stayed pending determination. A retailer may receive a new permit after revocation subject to the following timelines:

- After revocation for a first permit violation within any 60-month period: no new permit may be issued until ten days have passed from the date of the revocation.
- After revocation for a second violation within any 60-month period: no new permit may be issued until 30 days have passed from the date of the last revocation.
- After revocation for a third violation within any 60-month period, no new permit may be issued until 90 days have passed from the date of the last revocation.
- After revocation for a fourth or subsequent violation within any 60-month period, no new permit may be issued until five years have passed from the date of revocation.

Zoning and Land Use Policy (RMC Title 19)

Title 19 of the RMC (Zoning Code) 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 in the Zoning Code’s definition of “retail sales” meaning *“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.”* Retail sales 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.

Peer City Comparison

To provide a holistic summary of the full range of policy approaches to tobacco retail, Attachment 3 compares the City of Riverside’s current tobacco retail policy with five other peer cities (Cities of Santa Ana, Long Beach, Pasadena, Moreno Valley and Beverly Hills). The analysis found three prevalent approaches, as summarized below.

Approach 1: Treat as retail sale use (status quo)

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Two of the five jurisdictions sampled have similar tobacco retail policies and requirements as the City of Riverside. The Cities of Long Beach and Santa Ana do not define tobacco retail or smoke shops in their respective zoning codes, and do not include any requirements specific to said land use. Similar to Riverside, tobacco retail falls under the broader land use category of retail, and tobacco retail is permitted in the same zoning districts and in the same manner as any other retail use.

This approach allows for tobacco retail to be primarily regulated by State and Federal Law, as well as the requirements set forth in Municipal Code chapters for business licensing and/or health and safety. Because this is the City of Riverside's current policy towards tobacco retail, no new processes, procedures, or fees would be required to maintain this approach. However, because there is no distinction between tobacco retail and other general retail uses, there are no land use regulations that dictate where tobacco retail uses can be in permitted zones.

Approach 2: Implement distance, site, or land use permit requirements

Two of the five jurisdictions sampled include distance requirements from specific uses and/or discretionary review for establishments whose primary use and revenue come from tobacco retail.

Approach 2a - Distance Requirements:

In the City of Pasadena, no significant tobacco retailer (smoke shop) shall be located within 1,000 feet of a sensitive land use including:

- Game arcade;
- Internet access studio;
- Library;
- Licensed child daycare facility (excluding small or large family daycare);
- Park and recreation facility;
- Public or private school; and
- Theater.

The City of Moreno Valley permits smoke shops in its commercial zones as long as the establishment meets the following distance requirements:

- 600 feet of any other smoke shop, adult business, emergency shelter, rehabilitation center, civic institution or use, or a sober living facility;
- 400 feet of higher education institutions and vocational training facilities; and
- 200 feet of churches, arcades, bowling alleys, skating rinks, amusement parks, racetracks, or fairgrounds.

Pursuing this option would require direction from the Committee to confirm which land uses should require distance requirements. Blue Zones policy initiatives include but are not limited to the following sensitive uses to tobacco retail: schools, playgrounds, faith-based organizations, and other youth-oriented spaces and community centers. The Committee may also consider alignment with other RMC sections which identify k-12 schools, commercial daycare centers licensed by the state, community centers, and parks as sensitive receptors. Other

considerations may include higher education institutions considering the minimum age for purchase and/or other tobacco retailers to address over concentration of the use in a specific area. Additionally, direction would be needed to establish Tobacco Retail Establishment Permit procedures for any current permit holder in good standing that wishes to renew their permit but may not conform to the distance requirements if adopted.

Approach 2b - Discretionary Review:

In addition to the distance requirements, the City of Pasadena requires significant tobacco retail uses to obtain a Conditional Use Permit in the Commercial General and Industrial General zones. Significant tobacco retail is not permitted in any other zoning district. While Moreno Valley requires distances from other smoke shops and specific uses, a Conditional Use Permit is required if the tobacco retail use is located within 600 feet of a school, daycare facility, public park, or nonprofit youth facility, and/or is located within 300 feet of a residential use.

Discretionary reviews allow for more regulatory oversight over a land use by giving a governing body the power to evaluate a use's potential impacts on a case-by-case basis prior to approval. Additionally, discretionary reviews require time and financial investment from the Applicant, which can deter operators not equipped for full compliance.

It should be noted that the approval of any entitlement, including a Conditional Use Permit, grants a vested development right for the property. For example, if a property has a granted CUP for a smoke shop that has a bad operator, said operator may lose its licensure per the requirements of Title 6. However, the property itself would still allow for another smoke shop use under a different operator per the granted entitlement. The RMC does permit the Planning Commission to set a limited term on Conditional Use Permits based on findings for public safety and general welfare. However, the revocation of a CUP for noncompliance would require the City to make thorough findings based on substantial evidence that the use is detrimental to the public health, safety or general welfare through a complex and time-consuming process of public hearings and potential appeals.

Considering the procedural complexity and legal implications of discretionary approvals, staff does not recommend this approach. However, the Committee may choose to pursue distance requirements (Approach 2a) or discretionary review (Approach 2b) or a combination of both as some of our peer cities have implemented.

Approach 3: Prohibit through amortization or other legal approaches

One of the five jurisdictions surveyed prohibits Tobacco Retailers within their jurisdiction. On May 21, 2019, the City of Beverly Hills adopted updates to their Tobacco Retail Permitting requirements stating:

"Beginning May 21, 2019 City shall not accept or process an application for tobacco and electronic cigarette retailer permit...All other tobacco and electronic cigarette retailers that hold a valid tobacco and electronic cigarette permit on May 21, 2019 shall be permitted to apply annually to obtain a renewal of

that permit, and will be permitted to operate as tobacco and electronic cigarette retailers until December 31, 2020.”

The City of Beverly Hills found that a full ban on tobacco may have a significant impact on tourism revenues and consequently exempt hotels and cigar lounges from the moratorium. All other tobacco retail permits may only be issued or renewed if a financial hardship can be demonstrated subject to the requirements of their municipal code.

This option is the most restrictive and would involve phasing out the issuance and renewal of some or all tobacco retail permits depending on direction given. While this option would require minimal updates to the Zoning Code, it would require significant administration between the City Attorney's Office and Police Department on the appropriate and legal amortization procedures for a significant reduction and/or a full abatement of smoke shops within the City, including but not limited to:

- Public outreach and noticing to property and/or business owners with active Tobacco Retail Establishment Permits, and other stakeholders with interest in tobacco retail;
- Consensus on an appropriate amortization period for termination;
- Administrative procedures and penalties for noncompliance with the prohibition; and
- A prohibition ordinance formally adopted by the City Council

As the most conservative option, this would financially impact businesses within the city, up to and including their permanent closure, and may result in community opposition. Outreach and engagement should take place prior to formal adoption of a prohibition ordinance.

Blue Zones Consideration

The Blue Zones Riverside Blueprint (Attachment 4) offers six strategies to eliminate exposure to secondhand smoke, prevent initiation of tobacco use, advance health equity, and promote quitting among adults and youth:

- 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, such as Quitline numbers or texting programs, near tobacco-product displays and/or at the point of sale.

Approaches 2a and 3 would advance strategy 2.1 by either establishing required distances between tobacco retailers and sensitive receptors at the direction of the Committee; or prohibiting tobacco retail altogether. However, 2a is most aligned with Blue Zones Riverside policies and stakeholder feedback. Additional amendments to RMC Title 6 Health and Sanitation may be

considered to advance the other policy objectives contained in the Blueprint and promote community-wide wellbeing.

FISCAL IMPACT:

There is no fiscal impact related to receiving this report.

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Attachments:

1. Ordinance O-7733
2. RMC Chapter 6.24
3. Peer City Comparison
4. Blue Zones Riverside Blueprint – Tobacco Policy
5. Presentation