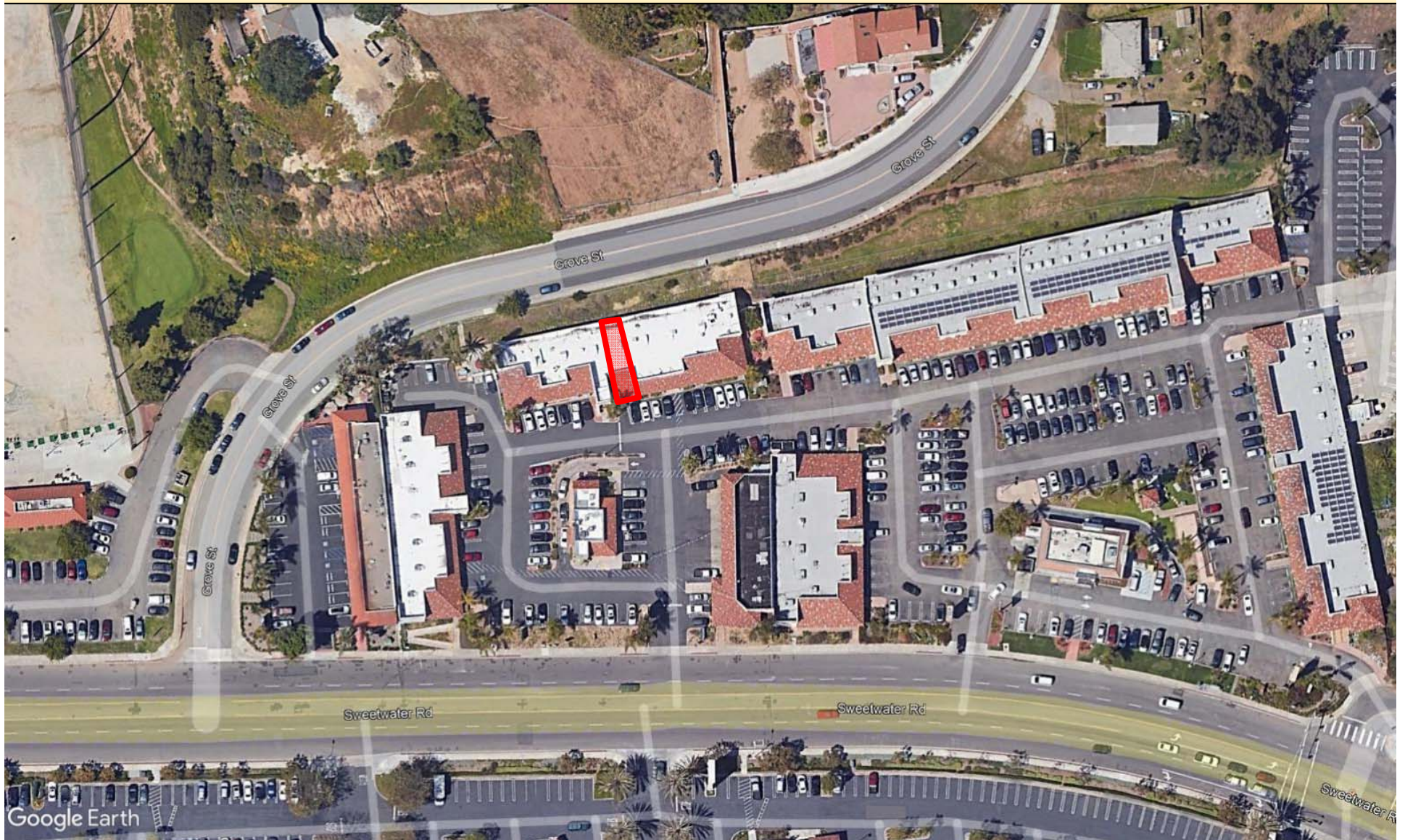




Public Hearing
Conditional Use Permit for a
tobacco specialty business to be
located at
1635 Sweetwater Rd. Ste. D

Overhead:



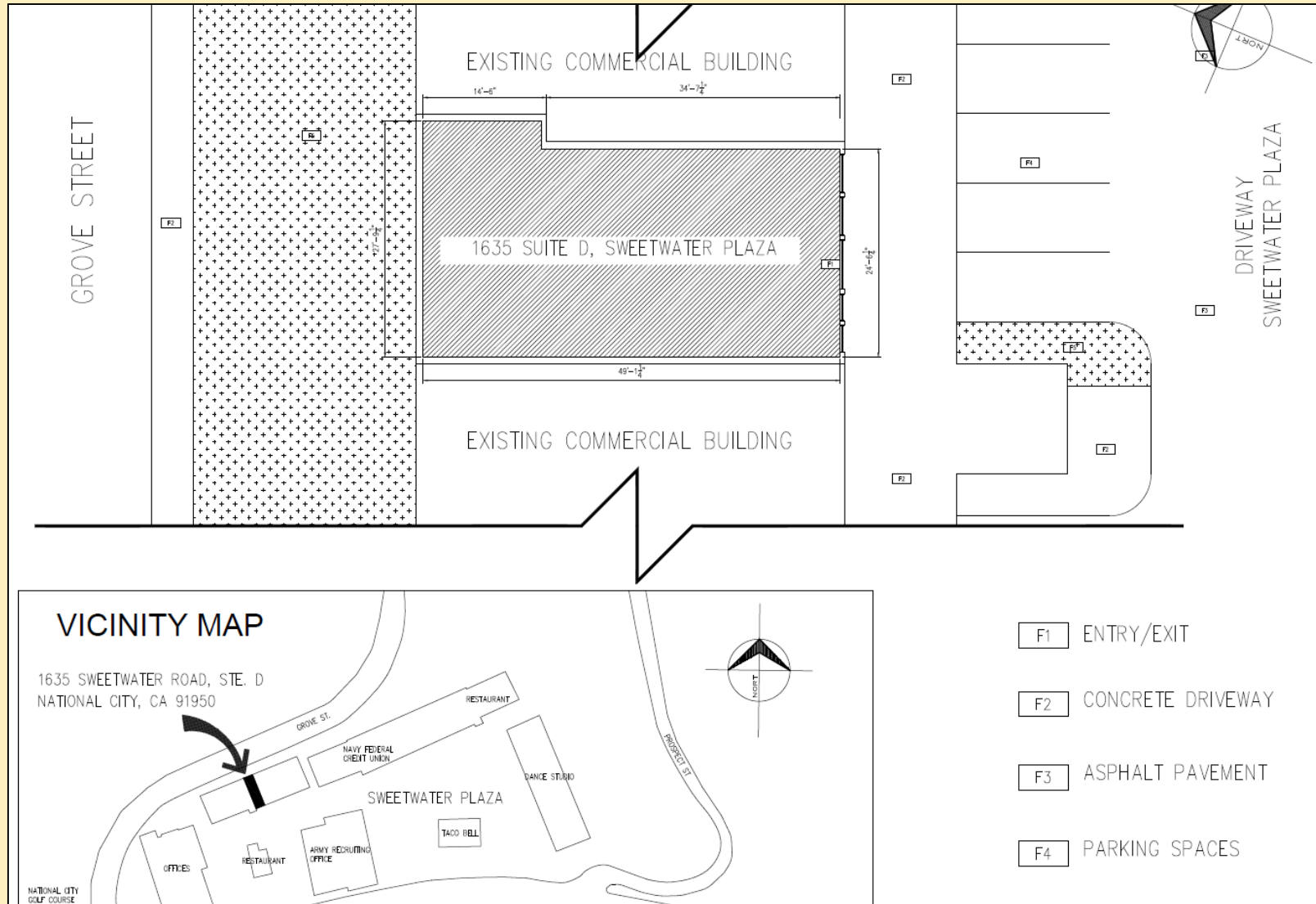
Site Characteristics:

- Project site is located in an 1.77-acre property zoned Major Mixed-Use District (MXD-2).
- The business proposes to occupy an existing 1,290 square-foot commercial suite.
- Surrounding land uses include single-family residences to the north across Grove Street, shopping centers to the east and to the south across Sweetwater Road, and a multi-tenant medical office building to the west.

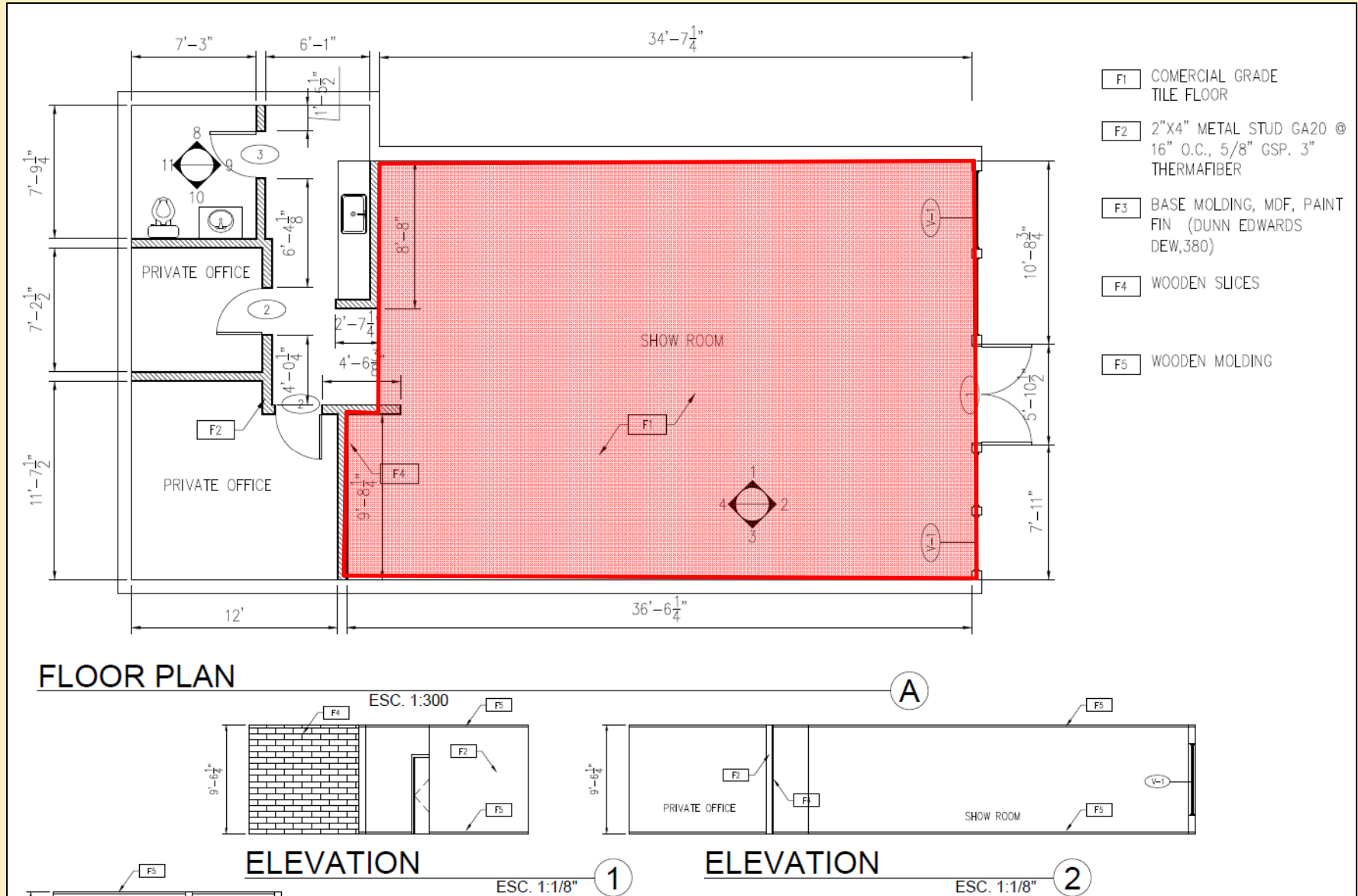
Proposal:

- The applicant (Jessy Tooma) proposes to operate a tobacco specialty business that sells tobacco products and paraphernalia.
- Proposed hours of operation are 9:00 a.m. to 12:00 a.m. daily.

Site Plan:



Proposed Floor Plan:



Site Photos:



Site Photos:



Analysis:

- A tobacco specialty business is defined as any business the primary use of which is the use and/or sale of tobacco products and paraphernalia with at least 40% of the floor area dedicated to the sale of these items.
- The proposed business is retail sales of smoking and vaping products.
- The MXD-2 zone permits a retail tobacco specialty business with an approved CUP.

Analysis cont.:

- Section 18.30.230 has additional requirements for tobacco specialty businesses:
 - 1,000-foot distance from any school, playground, recreation center or facility, childcare center, or library in the City.
 - No alcohol or food sales on the premises.
 - No person under 21 allowed on the premises without parent or legal guardian.
- No such land uses listed above are within 1,000 feet of the subject property.
- No alcohol or food sales are proposed for this business.
- A condition is proposed to not allow persons under 21 on the premises.

Analysis cont.:

- Electronic cigarettes and similar products carry the risks of exposure to tobacco-related disease and death. The FDA has observed a drastic increase in youth use of these types of products.
- The proposed business intends to sell products for both smoking and vaping. Any other tobacco products could be sold under a CUP for a tobacco specialty business.

General Plan:

- A retail tobacco specialty business with approval of a CUP is permitted in the MXD-2 zone, which is consistent with the Land Use and Community Character element of the General Plan.

General Plan cont.:

- The Health and Environmental Justice (HEJ) element of the General Plan raises concerns about the health impacts of poor air quality including cigarette smoke.
- One goal and one policy from the HEJ are related to air quality and tobacco usage:
 - Goal HEJ-2: Improved air quality to protect human and environmental health and minimized air quality impacts on sensitive population groups.
 - Policy HEJ-2.8: Encourage smoke-free workplaces, multi-family housing, parks, and other outdoor gather places to reduce exposure to second-hand smoke.

General Plan cont.:

- The HEJ goal and policy do not specifically address retail sales of tobacco or tobacco-related products. However, they are intended to reduce exposure of the public to the harmful effects of poor air quality and smoking.
- Conditions of approval are proposed to limit public advertising that may lead to youth initiation such as e-cigarettes and flavored tobacco.

Conditions:

- Conditions of approval include:
 - Department comments related to any potential physical improvements (none are proposed at this time)
 - Hours of operation (9:00 a.m. to 12:00 a.m. daily)
 - No one under age of 21 permitted
 - Maintain required state and local licenses
 - Restrictions on advertising that may be viewed from the public
 - No alcohol or food may be sold
 - No products containing THC
 - No employee smoking within 20 feet of the main entrance
 - Compliance with any FDA requirements

Options:

- Approve CUP based on attached findings / findings determined by the Commission, subject to attached conditions; or
- Deny CUP based on findings to be determined by the Commission; or,
- Continue the item for additional information
- Staff recommending approval
- Notice of Decision to City Council