

REVISED LEGISLATIVE DIGEST
(Amended in Committee – March 18, 2024)

[Planning Code - Tobacco Paraphernalia Establishments in North of Market SUD and Lower Polk Street NCD]

Ordinance amending the Planning Code to prohibit in the North of Market Special Use District (SUD) and Lower Polk Street Neighborhood Commercial District (NCD) Tobacco Paraphernalia Establishments where any Tobacco Paraphernalia is sold, delivered, distributed, furnished, or marketed, and to establish that after 180 days of non-use a legal non-conforming Tobacco Paraphernalia Establishment in the SUD or NCD will be deemed abandoned, preventing its restoration; and affirming the Planning Department's determination under the California Environmental Quality Act, making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302

Existing Law

The Planning Code defines a Tobacco Paraphernalia Establishment as a business where more than 10% of the square footage of Occupied Floor Area or more than 10 linear feet of display area is dedicated to selling Tobacco Paraphernalia, including pipes or other devices for smoking. The Planning Code also includes a special definition for Tobacco Paraphernalia Establishments applicable in the Polk Street and Haight Street Neighborhood Commercial Districts, such that businesses are regulated as Tobacco Paraphernalia Establishments if they sell any Tobacco Paraphernalia. Tobacco Paraphernalia Establishments, as defined in the standard definition, are conditionally permitted in the Lower Polk Street Neighborhood Commercial District (the NCD), and in the Downtown General Commercial (C-3-G) and Residential-Commercial High Density (RC-4) zoning districts, the zoning districts underlying the North of Market Residential Special Use District (the SUD).

Amendments to Current Law

This ordinance extends the special definition of Tobacco Paraphernalia Establishments currently applicable only to the Polk and Haight Street Neighborhood Commercial Districts to the SUD and the NCD. This will prohibit any new business from selling any Tobacco Paraphernalia in the SUD or the NCD. The ordinance also establishes that a legal non-conforming Tobacco Paraphernalia Establishment in the SUD or the NCD shall be deemed abandoned after 180 days of non-use. At the March 18, 2024 Land Use and Transportation Committee meeting, this ordinance was amended to 1) change the controls applicable in the SUD and NCD for Tobacco Paraphernalia Establishments from conditionally permitted to not permitted; 2) add the prohibition to the NCD; and 3) change the abandonment period from 18 months to 180 days.

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