

LEGISLATIVE DIGEST

[Planning Code - Tobacco Paraphernalia Establishments in North of Market Special Use District]

Ordinance amending the Planning Code to require in the North of Market Special Use District (SUD) that Tobacco Paraphernalia Establishments where any Tobacco Paraphernalia is sold, delivered, distributed, furnished, or marketed obtain conditional use authorization, and to establish that after 18 months of non-use a legal non-conforming Tobacco Paraphernalia Establishment in the SUD will be deemed abandoned, preventing its restoration except as a new Tobacco Paraphernalia Establishment; 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 NCDs, such that businesses are regulated as Tobacco Paraphernalia Establishments if they sell any Tobacco Paraphernalia. Tobacco Paraphernalia Establishments, as defined, are conditionally permitted 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 (SUD).

Amendments to Current Law

This ordinance extends the special definition of Tobacco Paraphernalia Establishments currently applicable only to the Polk and Haight Street NCDs to the North of Market SUD. This will require any new business that sells any Tobacco Paraphernalia in the North of Market SUD to obtain conditional use authorization. The ordinance also establishes that a legal non-conforming Tobacco Paraphernalia Establishment in the North of Market SUD shall be deemed abandoned after 18 months of non-use.