

**REVISED LEGISLATIVE DIGEST**

(4/19/2016, Amended in Board)

[Health Code - Exempting The Humidor from Certain Provisions of the Tobacco Sales Permit Ordinance]

**Ordinance exempting The Humidor, formerly located at 275 Battery Street, from four prohibitions in the Tobacco Sales Permit Ordinance on the issuance of such a permit for The Humidor's new location at One Embarcadero Center: the prohibitions on issuing the permit for a location within 500 feet of another permitted establishment, issuing the permit in a supervisorial district with 45 or more such permits, issuing the permit for a location not previously occupied by a permitted establishment, and issuing the permit to a tobacco shop.**

Existing Law

Section 19H.5 of the Health Code caps the number of establishments with tobacco sales permits in every supervisorial district at 45. Further, Section 19H.4(f)(5) of the Health Code states that no new tobacco sales permit shall be issued in any supervisorial district that has 45 or more establishments with tobacco sales permits.

Section 19H.4(f)(4) of the Health Code states that no new tobacco sales permit shall be issued if the new location will be within 500 feet of the nearest point of the property line of an existing Establishment

Section 19H.4(f)(7) of the Health Code states that no new permits shall be issued for the operation of a Tobacco Shop.

Section 19H.4(f)(8) of the Health Code states that no new tobacco sales permit shall be issued for a location not previously occupied by a permitted Establishment.

Amendments to Current Law

This proposed ordinance will allow an exception to the requirements in Sections 19H.4 and 19H.5 for The Humidor. The Humidor is a longstanding holder of a tobacco sales permit. Its new location, at One Embarcadero Street, is less than 300 feet away from its previous location at 275 Battery Street, and is in the same supervisorial district. Issuing a tobacco sales permit to The Humidor at its new location will not change the number of such permits in that supervisorial district that existed when The Humidor held a tobacco sales permit at its

previous location on Battery Street. Further, the space occupied by The Humidor at 275 Battery St. is approximately 970 square feet, while the space that The Humidor plans to occupy at One Embarcadero Center is approximately 730 square feet. Accordingly, The Humidor will be devoting fewer square feet to tobacco product sales at One Embarcadero Center than at its previous location at 275 Battery Street.

#### Background Information

On April 19, the Board amended the proposed ordinance to add two additional exceptions: an exception from Section 19H.4(f)(4) of the Health Code that states that no new tobacco sales permit shall be issued if the new location will be within 500 feet of the nearest point of the property line of an existing Establishment; and Section 19H.4(f)(8) of the Health Code that states that no new tobacco sales permit shall be issued for a location not previously occupied by a permitted Establishment.

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