

Attachment 2

Redline-Strikethrough Version of Proposed Zoning Code Amendments

Amend the definitions of Convenience Store and Tobacconist/Cigarette Store, add a definition of Premium Cigar Retailer, add a definition of Drug Paraphernalia Store, and delete the definition of Tobacco Related Products in Section 1.12.108, Definitions, as follows:

1.12.108 Definitions

Convenience Stores. Retail sales of food, beverage and small convenience items primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a building with a floor area less than 10,000 square feet. This classification excludes tobacco stores, liquor stores, delicatessens, confectioneries, and specialty food markets, or grocery stores having a sizeable assortment of fresh fruits and vegetables, and fresh-cut meat, fish or poultry. Also see "~~Tobacconist/Cigarette Store~~Tobacco Retailer," "~~Premium Cigar Retailer~~," "Liquor Store," "Beer and Wine Store," and "Neighborhood/Specialty Food Markets."

Premium Cigar Retailer. A Tobacco Retailer that: 1) sells no tobacco-related products or electronic cigarette-related products other than cigars, and 2) sells cigars for a price of no less than ten dollars (\$10) per cigar.

~~Tobacconist/Cigarette Stores~~**Tobacco Retailer.** As defined in Chapter 4-36-100 of the San Leandro Municipal Code, any person who sells, offers for sale, or does or offers to exchange for any form of consideration, electronic cigarettes, electronic cigarette products, electronic cigarette paraphernalia, tobacco products or tobacco paraphernalia, as those terms are defined in Chapter 4.36.100 of the San Leandro Municipal Code. "Tobacco retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of electronic cigarettes, electronic cigarette products, electronic cigarette paraphernalia, tobacco products or tobacco paraphernalia, sold, offered for sale, exchanged, or offered for exchange. ~~Businesses devoted primarily to the sale of tobacco-related and ecigarettes, and e-cigarette-related products, as defined by: (1) devoting 20 percent or more of total floor area or display area to; or (2) deriving 75 percent or more of gross sale receipts from, the sale or exchange of tobacco-related products:~~

~~**Tobacco-Related Products.** Any substance containing tobacco, including, but not limited to, cigarettes, cigars, chewing tobacco and dipping tobacco; cigarette papers; vaporizers; or any other instrument or paraphernalia for the smoking or ingestion of tobacco and products prepared from tobacco:~~

Drug Paraphernalia Store. As defined in Chapter 4-2-100 of the San Leandro Municipal Code, any establishment or place where drug paraphernalia, as defined in Chapter 4-2-100 of the San Leandro Municipal Code, is displayed, grouped, advertised, or promoted for the purpose of sale, either as a primary business or as an incident of some other business. "Drug paraphernalia store" as used herein does not include an establishment or place specifically licensed or authorized by the State or Federal Government or any agency thereof to sell or offer for sale cannabis, hashish, cocaine, or any controlled substance as

defined in the **Health and Safety Code** of the State of California, when drug paraphernalia is displayed, advertised, or promoted for the purpose of sale to persons authorized by prescription or otherwise to legally possess such cannabis, hashish, cocaine, or other such controlled substance with which the drug paraphernalia item is so used; nor does "drug paraphernalia store" include any establishment or place licensed by the State or Federal Government, or any agency thereof to lawfully sell drug paraphernalia.

Add new number 28 to Section 2.08.200.A, CC District—Permitted Uses as follows and renumber the rest of the section:

28. Premium Cigar Retailer.

Delete number 47 of Section 2.08.200.B, CC District—Conditionally Permitted Uses as follows and renumber the rest of the section:

~~**47. Tobacconist/Cigarette Stores.** (Tobacconist/cigarette stores shall not be located within 1,500 feet of a site occupied by a public or private school, park, library, or recreational facilities, or of other tobacconist/cigarette stores, and no exterior vending machines shall be permitted. Tobacconist/cigarette stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses.)~~

Add new number 19 to Section 2.08.260.A, SA-1 District—Permitted Uses as follows and renumber the rest of the section:

19. Premium Cigar Retailer.

Delete number 40 of Section 2.08.260.C, SA-1 District—Conditionally Permitted Uses as follows and renumber the rest of the section:

~~**40. Tobacconist/Cigarette Stores.** (Tobacconist/cigarette stores shall not be located within 1,500 feet of a site occupied by a public or private school, park, library, or recreational facilities, or of other tobacconist/cigarette stores, and no exterior vending machines shall be permitted. Tobacconist/cigarette stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses.)~~

Add new number 25 to Section 2.08.268.A, SA-3 District—Permitted Uses as follows and renumber the rest of the section:

25. Premium Cigar Retailer.

Delete number 43 of Section 2.08.268.C, SA-3 District—Conditionally Permitted Uses as follows and renumber the rest of the section:

~~**43. Tobacconist/Cigarette Stores.** (Tobacconist/cigarette stores shall not be located within 1,500 feet of a site occupied by a public or private school, park, library, or~~

~~recreational facilities, or of other tobacconist/cigarette stores, and no exterior vending machines shall be permitted. Tobacconist/cigarette stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses.)~~

Add new Section 4.04.404, Tobacco Retailers, as follows:

4.04.404 Tobacco Retailers

Tobacco Retailers are prohibited in all zoning districts and lands within the City of San Leandro except as follows.

- A. Tobacco Retailers are allowed as accessory to the following retail establishments provided that no more than 10 percent of the gross floor area of the retail establishment, or more than 15 linear feet of display area projected to the floor, whichever is less, is dedicated to the sale, distribution, delivery, furnishing, marketing display or storage of electronic cigarettes, electronic cigarette products, electronic cigarette paraphernalia, tobacco products or tobacco paraphernalia and no more than 25 percent of gross sales receipts are from the sale or exchange of electronic cigarettes, electronic cigarette products, electronic cigarette paraphernalia, tobacco products or tobacco paraphernalia. No signs or merchandise related to electronic cigarettes, electronic cigarette products, electronic cigarette paraphernalia, tobacco products or tobacco paraphernalia may be displayed outside of the retail establishment or inside the retail establishment in a location that is reasonably visible from the exterior of the retail establishment.
 - 1. Drugstore
 - 2. Beer and Wine Store
 - 3. Convenience Store
 - 4. Liquor Store
 - 5. Supermarket (greater than 20,000 SF in gross floor area)
- B. Premium Cigar Retailers are allowed as specifically provided for in another part of this Code.

Add new Section 4.04.408, Drug Paraphernalia Stores, as follows:

4.04.408 Drug Paraphernalia Stores

Drug Paraphernalia Stores are prohibited in all zoning districts and lands within the City of San Leandro.

Add new number 6 to Section 2.10.200.B, Bay Fair Transit-Oriented Development District – Conditionally Permitted Uses as follows and renumber the rest of the section:

6. Convenience Store.

Delete number 5 to Section 2.10.200.C, Bay Fair Transit-Oriented Development District – Uses Requiring Administrative Review as follows and renumber the rest of the section:

~~**5. Convenience Store.**~~