

RESOLUTION NO. 11687

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA RECOMMENDING TO CITY COUNCIL APPROVAL OF A ZONING CODE TEXT AMENDMENT TO AMEND SECTION 20-70.020 (DEFINITIONS OF SPECIALIZED TERMS AND PHRASES) TO MODIFY THE DEFINITIONS OF "TOBACCO OR SMOKE SHOP" AND "TOBACCO OR DRUG PARAPHERNALIA" TO INCLUDE ELECTRONIC SMOKING DEVICES AND TO ADD A DEFINITION OF ELECTRONIC SMOKING DEVICE - FILE NUMBER REZ14-010

WHEREAS, after public hearing, the Planning Commission of the City of Santa Rosa believes that amending the Santa Rosa Zoning Code, as follows, is required for public convenience, necessity and general welfare:

- a. Amend Santa Rosa Zoning Code Section 20-70.020 (Definitions of Specialized Terms and Phrases) to modify the definition of "Tobacco or Smoke Shop" as follows:

Tobacco or Smoke Shop. Any store, stand, booth, or concession that devotes 30% or more of its display floor area to tobacco products, or to the display and sale of tobacco, electronic smoking devices, or drug paraphernalia to purchasers for consumption or use. This classification of use does not include medical cannabis dispensaries which are defined separately and regulated by Chapter 10-40 (Medical Cannabis Dispensaries) in the Santa Rosa City Code;

- b. Amend Santa Rosa Zoning Code Section 20-70.020 (Definitions of Specialized Terms and Phrases) to modify the definition of "Tobacco or Drug Paraphernalia" as follows:

Tobacco, Electronic Smoking Device, or Drug Paraphernalia. (1) Any device intended or designed primarily for use by individuals for the smoking or ingestion of tobacco, notwithstanding that the device may also be used for the smoking or ingestion of marijuana, hashish, hashish oil, cocaine or any other "controlled substance," as that term is defined in the Health and Safety Code; examples of such devices include but are not limited to: "pipes," "bongs," "hookahs," "vaporizers," "roach clips," "electric pipes," "buzz bombs," "blunts" or similar devices; (2) or any equipment, product, or material that is modified for making, using, or concealing illegal drugs such as cocaine, heroin, marijuana, and methamphetamine; (3) cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, Electronic Smoking Device batteries, Electronic Smoking Device chargers, and any other item specifically designed for the preparation, charging, or use of Electronic Smoking Devices; (4) an Electronic Smoking Device;

- c. Amend Santa Rosa Zoning Code Section 20-70.020 (Definitions of Specialized Terms and Phrases) to add a definition of "Electronic Smoking Device":

Electronic Smoking Device. An electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other substances. "Electronic Smoking Device" includes any such electronic smoking device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. "Electronic Smoking Device" does not include any product specifically approved by the United States Food and Drug Administration for use in the mitigation, treatment, or prevention of disease; and

WHEREAS, the Planning Commission, pursuant to City Code Section 20-64.050 (Findings), hereby finds and determines:

- A. The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan;
- B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
- C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and is exempt from the provisions of CEQA under Section 15061(b)(3) of the State CEQA Guidelines in that the Planning Commission finds it can be seen with certainty that there is no possibility that the project may have significant effects on the environment; and
- D. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

NOW, THEREFORE, BE IT RESOLVED that the Santa Rosa Planning Commission recommends to the City Council approval and adoption of the rezoning.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 23rd day of October 2014, by the following vote:

AYES: (5) Chair Cisco, Commissioners Byrd, Crocker, Duggan and Groninga

NOES: (0)

ABSTAIN: (0)

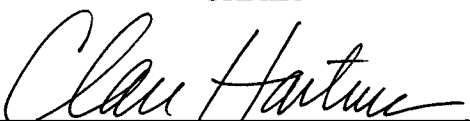
ABSENT:

APPROVED: _____



CHAIR

ATTEST: _____



EXECUTIVE SECRETARY