



## Resolution 10-2025

**File #:** 25-611

**Version:** 1

**Agenda Date:** 6/5/2025

**Item #:** 3a

Resolution making findings and recommending that the City Council adopt an ordinance amending Title 20 of the South San Francisco Municipal Code regarding provisions regulating tobacco use to make minor revisions, corrections, and clarifications to ensure consistency throughout the Municipal Code, removing “Hookah Bar/Smoking Lounge” from the Commercial Use Classifications under Section 20.620.040, and determining that the proposed Zoning amendments are exempt from CEQA.

WHEREAS, in 2008, the City enacted South San Francisco Municipal Code (SSFMC) Chapter 6.46 titled “Tobacco Retailer Permit,” which adopts San Mateo County Ordinance Code (SMCOC) Chapter 4.98 “Tobacco Retailer Permit” by reference and thereby serves as the mechanism for the County’s enforcement of Tobacco Retailer Permits in the City; and

WHEREAS, in 2012, the City enacted SSFMC Chapter 20.420 “Prohibition on new significant tobacco retailers,” which prohibits establishment of a new business whose principal or core is selling tobacco products and/or paraphernalia from operating in the City; and

WHEREAS, on September 25, 2019, the City Council added Title 6, Chapter 6.47 of the SSFMC pertaining to the sale of tobacco, flavored tobacco, and electronic smoking devices, including an exemption for significant tobacco retailers that were lawfully established prior to the effective date of Chapter 20.420, on January 1, 2020; and

WHEREAS, effective June 22, 2023, the County Board of Supervisors repealed the former SMCOC Chapter 4.98 (Tobacco Retailer Permit) and enacted a new Chapter 4.98, which strengthens enforcement, requires two inspections per year of all retailers, establishes retail restrictions for new businesses, updates the definitions of tobacco products to include synthetic nicotine and to align with the state’s definition of tobacco products, including flavored tobacco products, and prohibits issuing new tobacco retailer permits for any location within 1,000 feet of a “youth populated area” or within 500 feet of an existing tobacco retailer; and

WHEREAS, pursuant to the County’s newly adopted SMCOC Chapter 4.98, cities that want County Health to administer the tobacco retailer permit within their jurisdiction must pass an ordinance adopting the County’s newly adopted ordinance verbatim or in its entirety by reference, with no changes or additions; and

WHEREAS, although the City already adopted SMCOC Chapter 4.98 by reference in 2008 (pursuant to SSFMC Chapter 6.46), City staff recommended amending SSFMC Section 6.46.010 to add language explicitly authorizing the Chief of San Mateo County Health or their designee to administer and enforce SMCOC Chapter 4.98 in order to reaffirm its adoption by reference of SMCOC Chapter 4.98, re-establish the County’s authorization to enforce SMCOC Chapter 4.98 within the City’s jurisdiction thereby strengthening and streamlining enforcement, and raise awareness of the County’s newly adopted Tobacco Retailer Permit Ordinance; and

WHEREAS, on March 26, 2025, the City Council waived reading and introduced an Ordinance to amend South San Francisco Municipal Code (SSFMC) Title 6, Chapter 6.46 titled “Tobacco Retailer Permit” to adopt

by reference Title 4, Chapter 4.98 of the San Mateo County Ordinance Code (SMCOC), and repealing in its entirety Title 6, Chapter 6.47 (Sales of Flavored Tobacco Products, Pharmacy Sales of Tobacco Products, and Sales of Electronic Smoking Devices Prohibited), and on May 14, 2025, the City Council waived reading, held public hearing and adopted the Ordinance; and

WHEREAS, Chapter 20 currently contains a use classification for “Hookah Bar / Smoking Lounge” which consists of businesses serving flavored tobacco or other products for on-site smoking, and such uses are no longer permitted under SMCOC Chapter 4.98; and

WHEREAS, Chapter 20.420 currently contains a reference to the now-repealed SSFMC Section 6.47.050(a), which provides an exemption for significant tobacco retailers that were lawfully established prior to the effective date of Chapter 20.420; and

WHEREAS, the City staff has drafted proposed revisions to the City’s Zoning Ordinance to address the identified areas that require correction, clarification, and revision (“Zoning Amendments” or “Amendments” attached hereto as Exhibit A); and

WHEREAS, the minor revisions, corrections, and clarifications, set forth in this Zoning Amendment, are minor in nature, with no expansion in use or creating new uses, and has no potential for resulting in direct or indirect physical changes to the environment, and thus would not have any significant effects on the environment; and

WHEREAS, on June 5, 2025, the Planning Commission for the City of South San Francisco held a lawfully noticed public hearing to solicit public comment and consider the proposed Zoning Amendments and associated CEQA determination, take public testimony, and make a recommendation to the City Council on the Zoning Amendments.

NOW, THEREFORE, BE IT RESOLVED that based on the entirety of the record before it, which includes without limitation, the California Environmental Quality Act, Public Resources Code §21000, et seq. (“CEQA”) and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the South San Francisco 2040 General Plan; the South San Francisco Municipal Code; the 2040 General Plan EIR and Statement of Overriding Considerations; the Zoning Amendments; and all reports, minutes, and public testimony submitted as part of the Planning Commission’s duly noticed June 5, 2025 meeting; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of South San Francisco hereby finds as follows:

## **SECTION I            FINDINGS**

### **A.        General Findings**

1.        The foregoing recitals are true and correct and made a part of this Resolution.
2.        The Zoning Amendments, attached to this Resolution as Exhibit A, are incorporated by reference and made a part of this Resolution, as if set forth fully herein.
3.        The minor refinements, clarifications, and/or corrections set forth in the Zoning Amendments, attached to this Resolution as Exhibit A, are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15378 of the CEQA Guidelines, as they are minor in nature, the adoption of which would not result in any direct or indirect physical changes to the

environment, and thus would not have any significant effect on the environment.

4. The documents and other material constituting the record for these proceedings are located at the Planning Division for the City of South San Francisco, 315 Maple Avenue, South San Francisco, CA 94080, and in the custody of Chief Planner.

**B. Zoning Amendment Findings**

1. The proposed Zoning Amendments are consistent with the 2040 General Plan because the Ordinance Amendments are minor in nature, are intended to ensure internal policy consistency, support public health through reduction of tobacco usage, and will continue to reinforce many of the 2040 General Plan policies maintaining a balanced land use program and is consistent with the City's overall vision for the proper location of use. None of the new revisions will conflict with or impede achievement of any of the goals, policies, or land use designations established in the 2040 General Plan. The proposed amendments are also consistent with state law requirements.
2. The areas of the City impacted by the proposed Zoning Amendments are suitable for the proposed uses in terms of access, size of parcel, relationship to similar or related uses, and other considerations because the minor revisions, corrections and clarifications will not significantly alter the existing uses permitted in the Zoning Ordinance and will further ensure orderly development.
3. The proposed Zoning Amendments are not detrimental to the use of land in any adjacent zone because the minor revisions, corrections and clarifications will ensure that the Zoning Ordinance is consistent and accurate and none of the Amendments will change any of the existing zoning districts.

**SECTION II RECOMMENDATION**

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of South San Francisco hereby makes the findings contained in this Resolution, and recommends that the City Council adopt an ordinance amending the Zoning Ordinance in accordance with the Zoning Amendments set forth in Exhibit A, attached hereto and incorporated herein.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.

\* \* \* \* \*

\* \* \* \* \*

I hereby certify that the foregoing resolution was adopted by the Planning Commission of the City of South San Francisco at a regular meeting held on the 5th day of June 2025 by the following:

vote:

**AYES:**

Chair Funes-Ozturk, Baker, Faria, Evans, Tzang

**NOES:**

\_\_\_\_\_

**ABSTENTIONS:**

\_\_\_\_\_

**ABSENT:**

Vice-Chair Pamukcu, Shihadeh



Attest: \_\_\_\_\_

Adena Friedman  
Secretary to the Planning Commission